

Covert Action

Q U A R T E R L Y

REVOLUTION
IN CHIAPAS, MEXICO



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Comandante Marcos, leader of the EZLN, on the first day of uprising

CHIAPAS, MEXICO

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What Did They Expect?

Apparently 31-year CIA employee Aldrich Ames and his wife Rosaria sold intelligence to the Soviets and then the Russians for at least \$2.5 million. In the U.S., the Ames case has provoked an orgy of self-righteous posturing, buck passing, and unanswered questions. The real mysteries are not how the nouveau riche suburbanite spies got caught, but how they got away with it for over nine years, and why the Agency went public when it did. Apparently the CIA-FBI has known for months that Ames was making lucrative little visits to mailboxes and tree stumps around Georgetown. As the news broke, some pundits and politicians whined shrilly for an end to U.S. aid to Russia. Their rationale: Yes, we all spy, but now that we give Moscow aid, it's not sporting for them to use our money to spy on us, their generous benefactors. (Curiously, this argument was rarely heard when Israel and South Africa were caught spying on the U.S.)

The calls for aid cuts caught the administration in a contradiction. Throughout the Cold War, the public was led to believe that a major impetus for foreign aid was altruism. The Ames scandal provoked a rare display of candor. The administration admitted that aid has nothing to do with helping other countries and everything to do with promoting U.S. interests. While this revelation was hardly news to insiders, much of the U.S. public has good cause to be taken aback.

But fear not, the threat of withdrawing aid from Russia, like the aid itself, served U.S. interests. The Russian economy, and most likely the Yeltsin government, would disintegrate like saltines in soup if international debts were called in and U.S. funds stopped. Which brings up a possible explanation for the timing of the scandal. The disclosure coincided with Russian reluctance to go along with U.S./NATO policy in the Balkans. Indeed not a week after the Ames debacle surfaced, the Russians, who had strenuously opposed

NATO military intervention against the Serbs, kept quiet when NATO shot down four Serbian planes. As Lyndon Johnson so delicately put it referring to a colleague in Congress: "Don't worry about him, I've got his pecker in my pocket." It was a vulnerability not lost on Moscow which came quickly to heel, while saving face by expelling a couple of U.S. spies. Talk of aid sanctions, having served its function, quickly disappeared.

The scandal raised serious questions about CIA competence already tarnished by failure to predict the demise of the USSR, the fall of the Berlin wall, and the uprising in Chiapas. But no doubt the Agency will brazenly use even this massive screw-up to justify requests for budget increases. One explanation offered by the Agency for its lapse is that Ames passed several lie detector tests. These are routinely used for pre-employment screening and on suspicion of drug use or theft. They are not only intrusive and insidious when used against common citizens, but ineffective against pros, who, as William Casey noted, can defeat them with a "valium" and "a tight sphincter muscle."

Meanwhile, the experts have been running in circles apologizing for the CIA or blaming it for the wrong sins. Daniel Schorr explained that Ames was hard to catch because he was such an ordinary man. Another commentator lamented that treason wasn't what it used to be and bleated nostalgia for the days when spies acted from principle rather than greed. And yet it was precisely this common greed that made Ames ordinary. A lust for Jaguars, half million dollar houses, and Swiss bank accounts is, in fact, not remarkable. The Ames case is the logical consequence of a system that rewards deceit and measures success in material extravagance. As to what or whom he betrayed, it appears that some Russians who spied for the U.S. — doing nothing more or less than the odious Ames — were compromised and executed for what is, in Russia, as in the U.S., the crime of treason.

Certainly, Ames' actions are reprehensible. If the evidence is sound, he is a greedy little man and, Schorr is right, an ordinary one. The real crimes, however, are those of the CIA, and they are far from ordinary. Its crimes against truth are pale only in comparison to its crimes against humanity. The Agency has been responsible for an estimated 6-10 million deaths; it has created and supported wars, death squads, torturers, military dictators; it has destroyed labor, women's, indigenous, and community groups around the world.

Although the CIA was born of Cold War anticommunist frenzy, it is as relevant now as it always was. Calls to dismantle it because the Cold War is over are naive and misplaced. It should be eliminated because covert operations are now, as they always were, anathema to democracy. Far more traitorous than Ames, is the CIA itself. Consistently throughout its 47-year history, it has betrayed democracy. •

Publishers: Ellen Ray, William Schaap, Louis Wolf

Director of Research: Louis Wolf

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Barbara Neuwirth, Joseph Reilly, Sharon Reilly

Photography consultant: Dolores Neuman

Editors: Terry Allen, Phillip Smith

CovertAction Quarterly, 1500 Massachusetts Ave., NW, #732,
Washington, DC 20005, (202) 331-9763, 331-9751 (fax).
CovertAction Quarterly, Number 48, Spring 1994. Published
quarterly, by Covert Action Publications, Inc., a District of Colum-
bia Nonprofit Corporation, copyright ©1994. Indexed by *Alterna-
tive Press Index*, University Microfilms, ISSN 0275-309X. All
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U.S. POLICY ON HAITI: SELLING OUT DEMOCRACY

JOHN CANHAM-CLYNE

In November 1990, the Haitian people took a courageous gamble on democracy by electing populist priest Jean-Bertrand Aristide as president. While the population rejoiced, many U.S. policymakers feared that Aristide's victory, by an overwhelming 67.5 percent majority, would usher in an unacceptable level of economic and political independence inimical to U.S. policy objectives in the region. Publicly, the U.S. responded with lukewarm acceptance and offers of multilateral and bilateral assistance. Behind the scenes, Washington vigorously opposed any of Aristide's attempts to make the market economy work for the majority of the population.

When a military coup ousted Aristide after just eight months in office, the contradictions in U.S. policy continued: Presidents Bush and then Clinton joined half-hearted sanctions against the military and called for Aristide's reinstatement. Despite overwhelming evidence to the contrary, Bush convinced himself that "the people in Haiti are not being physically oppressed." Bush pursued — and Clinton preserved — an immigration policy which implicitly

denies the reality of thousands of murders, tens of thousands of arbitrary arrests and hundreds of thousands of internal exiles.¹ The U.S. Navy and Coast Guard hijack Haitians fleeing their country by boat and return them to their oppressors on the pretext that they are simply opportunistic job seekers.

AFTER MORE THAN TWO YEARS OF UNMET U.S. PROMISES, BEREFT OF OPTIONS, ARISTIDE AT LONG LAST LASHED OUT, CALLED U.S. REFUGEE POLICY A "FLOATING BERLIN WALL," AND REBUKED THE INTERNATIONAL COMMUNITY FOR "DELAYING TACTICS AND COMPLICITY WITH THE COUP LEADERS."

Throughout the crisis, the U.S. has sponsored negotiations that undercut Aristide's position, forcing him to make repeated concessions to the junta. In support of this diplomacy, U.S. officials, hiding behind a veil of press anonymity, maintain a public relations campaign to discredit Aristide and the popular movement. After more than two years of unmet U.S. promises to restore his presidency, bereft of options, Aristide at long last lashed out against U.S. refugee policy, called it a "floating Berlin wall," and rebuked the international community for "delaying tactics and complicity with the coup leaders."²

rebuked the international community for "delaying tactics and complicity with the coup leaders."²

1. "Silencing a People: The Destruction of Civil Society in Haiti," Americas Watch, National Coalition for Haitian Refugees, February 1993. Photo: Les Stone/Impact Visuals, Funeral procession for victim of election day violence, 1987.

2. Statement of Aristide, February 8, 1994; and Julia Preston, "Ousted Coup Leader Rebuffs UN Proposal for Haiti," *Washington Post*, March 6, 1994.

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The "Market" in Haiti

Aristide swept into power on two main programs: to improve the economy and to reform the balance between the military/police and civilian sectors. In Haiti, as in the entire Caribbean Basin Initiative (CBI), the U.S. program was more simple: maintain a positive "business climate." During the Reagan-Bush years, Haiti emerged as an offshore platform for low-wage assembly of electronics, textiles, and other products for re-export to the U.S. market. The Agency for International Development (AID) aggressively promoted Haiti as a country ripe for foreign investment. The impoverished island nation's primary attraction for U.S. capital lay in its cheap labor and the political "stability" provided by decades of Duvalier family dictatorship. In 1982, the Reagan Department of Labor concluded:

An abundant supply of labor is one of Haiti's major attractions for foreign investors. Together with political stability and proximity, it gives the country a strong comparative advantage in labor-intensive primary and assembly industries and in the provision of tourism services for North American markets.³

The same year, the Labor Department also noted "there is a long history of government suppression of the labor movement in Haiti....[T]he organized labor movement in Haiti is almost nonexistent."⁴

In 1986, the grip of U.S. control began to loosen as a popular resistance movement forced dictator Jean-Claude Duvalier into exile, and began the often violent process of *dechoukage*, or "uprooting" of the old order. Angry mobs sacked and burned houses of the *Tonton Macoutes* and occasionally killed members of Duvalier's notoriously vicious secret police. The Duvaliers had used the *Macoutes* to intimidate, or at least balance the power of, Haiti's U.S.-financed and -equipped military. With the *Macoutes* temporarily out of the way, the military seized power through a series of

coups and installed a succession of paper presidencies. Although violently suppressed, the powerful grassroots democratic movement continued to grow and confront the military. Aristide, a charismatic Salesian priest, emerged as one of its leading voices.

Still, in 1990, a Labor Department report lauded the country's "dexterous, low-cost labor" as a selling point "for labor-intensive operations in Haiti." At the time, the official Haitian minimum wage was \$.22 an hour, with workers in the U.S.-dominated assembly sector earning just a few cents more.⁵ An estimated 85 percent of the Haitian people live in poverty.⁶

Democracy and the Cleansing Flood

November 1990 brought a sudden change in Haiti's business climate. In the face of continuing popular protest against military rule, U.S. pressure, coordinated by Ambassador Alvin



Teun Voeten/Impact Visuals

Boat people in Port-au-Prince harbor, illegally repatriated by the U.S. Coast Guard.

Adams, convinced military dictator Gen. Prosper Avril to abdicate and helped force interim President Ertha Pascal Trouillot to keep a pledge to hold elections.⁷

Most Haitians expected a desultory farce until two candidates radically altered the landscape. Former *Tonton Macoute* leader Roger LaFontant, known for dropping in on torture sessions for amusement, picked up the Duvalierist banner. In response, Aristide, who had previously questioned the possibility of democratic elections, agreed to be the candidate of a broad coalition of reformist parties. His candidacy electri-

3. *Labor Profile: Haiti*, July 1982, Department of Labor, Bureau of International Affairs. Cited in *Haiti After the Coup: Sweatshop or Real Development*, by Charles Kernaghan, Special Report of the National Labor Committee Education Fund in Support of Worker & Human Rights in Central America, April 1993, p. 4, a comprehensive investigation of the exploitation of Haitian labor by U.S. manufacturers, and the Agency for International Development's support for it. 4. *Ibid.*, p. 25.

5. Kernaghan, *op. cit.*, p. 21.

6. *Ibid.*, p. 7.

7. Fritz Longchamp and Worth Cooley-Prost, "Hope for Haiti," *CovertAction*, No. 36 (Spring 1991), pp. 54-55.

fied the nation⁸ and lent the elections an aura of authenticity otherwise lacking. After surviving an assassination attempt during the campaign — at least the third such attempt in three years — Aristide swept to victory with more than four times the vote of his nearest rival, former World Bank official Marc Bazin, widely understood to be Washington's favorite.

With his inauguration a month away, Aristide's opponents struck quickly. LaFontant, whose candidacy was nullified on a technicality, launched an attempted coup on January 6, 1991. Haitians filled the streets by the tens of thousands, venting their rage on the elite for robbing them of their first real taste of successful popular democracy since 1804, when Haiti became the second independent nation in the Americas, and the first born of a successful slave revolt. A mob, angered that the Archbishop of Port-au-Prince had loudly denounced Aristide a few days earlier, stripped and humiliated the Papal Nuncio.⁹ Massive crowds surrounded the Palace and other buildings occupied by the coup leaders, forcing the military to step in and arrest LaFontant. After three days of popular reprisals, Aristide took to the airwaves to request a halt to the killings.

Upon his February 7 inaugural, President Aristide assumed nominal control of a state apparatus that viewed the majority of the population as its mortal enemy, and the new President as a dangerous subversive. While formal U.S. military assistance had been cut in 1987 when then-ruler Gen. Henri Namphy aborted elections, U.S. military and intelligence institutions maintained a close relationship with their Haitian counterparts. Creating an open government, controlling the military, beginning to turn around a disastrous economy, and managing the touchy relationship with the U.S. immediately became the new regime's priorities.

8. Mark Danner, "The Fall of the Prophet," *New York Review of Books*, December 2, 1993, p. 41.

9. The newly installed Nuncio's predecessor was widely perceived as the architect of a decision by Aristide's religious order to expel him. See Amy Wilentz, *The Rainy Season* (New York: Simon & Schuster, 1989), pp. 400-02.

Low Intensity

William

The Clinton administration's hypocritical diplomacy around Jean-Bertrand Aristide is a high-profile manifestation of a ten-year campaign of "low intensity democracy."¹ Conducted through the State Department, the Agency for International Development (AID), the Pentagon, the CIA, the National Endowment for Democracy (NED), and other U.S. agencies, this program is part of a post-Cold War shift in methods of social control over Third World populations. Touted as "democracy promotion," it aims to blunt the most scandalous abuses and create a democratic facade. In fact, the policy defuses mass movements for democratization while preserving the exploitative economic and social order. It relies less on outright coercion than on sophisticated mechanisms of ideological hegemony, political cooptation, and new forms of domination in the global economy.

Imposition of "low intensity democracy" in Haiti has not gone smoothly. Since 1985, when a civic uprising sent Jean-Claude ("Baby Doc") Duvalier into exile, Washington began a new program to facilitate a "transition to democracy" which involved economic, political, and military aid. The program was intended to replace the Duvalier dynasty with less discredited elements of the tiny elite that has dominated the country since its independence in 1804. The downtrodden majority would again be bypassed.

Between 1986 and 1990, AID funneled \$300 million to Haiti for "development" while the Pentagon provided smaller amounts for "security assistance

that helped sustain the military as an institution until the 1991 coup."² "You've got a problem with that army," said a State Department official in justifying the aid, "but it's still the only institution in Haiti at the present time."³

The CIA set up and funded a National Intelligence Service (SIN), allegedly to fight narcotics trafficking, but which acted as an instrument of political repression against the popular movement.⁴ Simultaneously, the State Department's Office of Democratic Initiatives launched a \$10 million "electoral assistance program" for organizing, funding, and supervising the September 1990 vote which, to Washington's surprise, brought Aristide to power.⁵

The linchpin of the program, however, was some \$3 million, spent in strategic doses between 1986 and 1991 by NED.⁶ These funds went to a variety of strategically placed organizations in civil society, including the Haitian Institute for Research and Development (IHRED), the Human Rights Development Resource Center (CHADEL), the

2. See Thomas Carothers, "The Reagan Years: The 1980s," in Abraham Lowenthal, ed., *Exporting Democracy: The United States and Latin America, Themes and Issues* (Baltimore: Johns Hopkins University Press, 1991), p. 113.

3. *New York Times*, September 6, 1987.

4. Tim Weiner, "Key Haitian Leaders Said to Have Been in CIA's Pay," *New York Times*, November 1, and Tim Weiner, "CIA Formed Haitian Unit Later Tied to Narcotics Trade," *New York Times*, November 14, 1993.

5. See "FY 1990 Democratic Initiative and Human Rights Program Summary," U.S. Agency for International Development, Department of State, Washington, D.C.; "IFES Haitian Election Project, July 1990-April 1991 — Final Report" (Washington, D.C.: International Foundation for Electoral Systems, 1991.) IFES received \$1.8 million from AID for the 1988 elections. See also, Carothers, *op. cit.*, p. 113.

6. NED spending in Haiti is documented in its *Annual Reports* from 1986 to 1991. The precise figure is unknowable since NED does not include funds spent in Haiti through regional programs. These regional programs spent tens of millions of dollars between 1984 and 1992, but are only presented in NED reports as aggregate figures.

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1. See Robinson, *op. cit.*

Democracy in Haiti

Robinson

Association of Journalists, and the Federation of Unionized Workers (FOS), among others.⁷

NED completely ignored the hundreds of grassroots organizations that eventually coalesced into *Lavalas*. Instead, it judiciously funded and cultivated an elite alternative to Duvalier-style authoritarianism, which provided the base for the September 1991 coup. For instance, IHRED head Leopold Berlangier and CHADEL leader Jean-Jacques Honorat both applauded the coup.⁸ Within a week of the takeover, Honorat became provisional prime minister. Similarly, NED provided \$2 million for "party building" and "civic education" in 1989 and 1990. This campaign spawned, among others, Marc Bazin's Movement to Install Democracy in Haiti (MIDH). Bazin also would serve as one of the military regime's provisional prime ministers.

The Best Laid Plans

The U.S. plan for a Haitian "transition to democracy" aimed at bringing Bazin and the conservative elite to power in the 1990 elections. The U.S. had successfully pulled off "transitions to democracy" in the Philippines, Chile, Nicaragua, and elsewhere,⁹ but in Haiti, *Lavalas* and Aristide unexpectedly triumphed.

Following Aristide's victory, U.S. intervention in Haiti soared. Hoping to develop an elite bloc that could neutral-

ize the burgeoning grassroots movement, the U.S. approved a \$24 million "Democracy Enhancement" package.¹⁰ Evidence is now emerging of links between the Front for the Advancement of Progress in Haiti (FRAPH) — the heirs of the dread *Tonton Macoutes* — and the different constituencies cultivated by Washington.

In Cite Soleil, a sprawling Port-au-Prince slum, the Centers for Health and Development (CDS), which obtains 50 percent of its funding from AID, "has a virtual monopoly on health care and other social services."¹¹ Although there is no independent corroboration, members of the popular movement maintain that volunteers at CDS

are often FRAPH members or Attaches, and that their training is financed by funds from NED. For instance, it was alleged that the very same people who set the fire at Cite Soleil were seen distributing aid vouchers the next day and ensuring that only certain people received assistance.¹²

The facade of diplomatic support for restoring Aristide is belied by the consistent history of funding his opponents — the military and business elites. As Secretary of State Warren Christopher noted, "U.S. aid is not charity...it is in the U.S. national interest."¹³ And that interest was not served by an Aristide presidency. •

7. FOS is the smallest of Haiti's three labor federations, and the only one allowed to function legally under Baby Doc. It was affiliated with the AFL-CIO's American Institute for Free Labor Development, whose past ties to the CIA are well-documented. Funding for "human rights" groups ignored several already-existing and respected human rights groups in Haiti that had links to the popular movement.

8. "The Tragic History of the Haitian Republic," *Notis-Sur South American and Caribbean Political Affairs*, Vol. 2, No. 2, January 22, 1992, Latin American Institute, University of New Mexico, Albuquerque, N.M.

9. Robinson, *op. cit.*, Chapter 1.

10. "Populism, Conservatism, and Civil Society in Haiti," *NED Backgrounder* (Albuquerque: Inter-Hemispheric Resource Center, April 1992).

11. Pierre M. LaRamee, "North American Congress on Latin America Observers' Delegation to Haiti, January 8-16, 1994, p. 7.

12. *Ibid.* The December 27, 1993, fire raged through the slum, killed dozens, and left hundreds homeless.

13. Speaking on the MacNeil/Lehrer Newshour, PBS, February 23, 1994.



Mev Puleo/Impact Visuals

President-in-exile Jean-Bertrand Aristide

Nervous "Free Market" Responds

As priest, activist, and presidential candidate, Aristide had vigorously denounced the U.S., both for supporting the institutions of repression and for exploiting Haiti economically. Once in office, however, he agreed to accept international development assistance and espoused strong respect for free market economics. Sociologist Jean Casimir, Aristide's Ambassador to the U.S. explains:

...the Haitians who supported Aristide wanted to better their standard of living. How could this be accomplished in a country with such truly disastrous economic conditions, where the environmental situation is dreadful, where the state machinery is corrupt? Our only hope has been

to develop economically through cooperation and exchange of goods with the outside world.

We have, after all, never been able to produce our own means of production. We have no coal. We have imported machetes since the 17th century. To obtain these goods, we have always had to produce goods for exchange, for the market. For small island economies, you see, development cannot be tied to self-sufficiency.¹⁰

But the new Haitian government's vision of the market and understanding of how to harness its power diverged from traditional World Bank/IMF structural adjustment models. Except for firing a few hundred deadwood government workers, Aristide could find little room for the usual public sector cuts imposed by the international financial institutions as a condition for aid. According to Ambassador Casimir:

Haiti differs from other Latin American countries in that the state never subsidized an inflated service sector. It traditionally didn't provide any services at all to the population. For instance, the state never financed the educational system: There are only 450 secondary schools in the whole country, only 30 of which are state funded. You can't cut what does not exist. Those parts of the state that were inflated, such as the civil service, were rather easily reduced.¹¹

Soon after taking office, Aristide's government made three main proposals for economic reform: to impose price controls on basic foodstuffs, raise the hourly minimum wage to a combined cash and benefit total of 75 cents per hour,¹² and enforce legally required social security taxes. Aristide's opponents greeted this modest package with outrage and looked north to Washington for allies.

They were not disappointed. AID, which had poured millions into the business sector, warned that "wage systems should not be the forum for welfare and social programs."¹³ The AID programs to support lobbying against the minimum wage paralleled more direct efforts to intervene in Haitian politics. Beginning in 1985, the National Endowment for Democracy (NED) spent millions to develop "democratic" institutions in Haiti. By the 1990 elections (fiscal year 1991), AID had spent more than \$13 million on three completed

"Democracy Activities" in Haiti: a "Development of Democracy Project," a "Development of Civil Society Project," and an "Elections Management Assistance Project." Most of the NED and AID money flowed through organizations which participate in the manipulation of elections and politics throughout the region, notably Americas Development Foundation, Delphi International, the International Foundation for Electoral Systems, and NED's four "core grantees," the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, the Center for International Private Enterprise, and the Free Trade Union Institute.¹⁴ Although NED funds did help support the Haitian election commission and international monitoring, grants under the Democracy Development and Civil Society Development projects went to elite-dominated organizations that espoused an acceptably moderate line. Meanwhile, to the shock of the democracy professionals, genuine grassroots development, human rights, and social justice organizations swept Aristide into office.

NED responded by stepping up the ersatz democracy programs and proposed channelling \$23 million through a Democracy Enhancement Project over the next five years. One notable recipient, the Haitian Center for Human Rights (CHADEL), was slated for an annual operating budget of between \$120,000 and \$130,000.¹⁵ When military officers deposed Aristide, they went

in search of a stooge civilian Prime Minister. Their first choice: CHADEL's "human rights" champion, Jean-Jacques Honorat.

Aristide, the U.S., and the Haitian Military

Aristide had understood from the beginning that governing without the cooperation of the military would be problematic. In his inaugural, he proposed "a marriage between the army and the people," a remaking of the Haitian military to bring it under civilian control.¹⁶ After obtaining the resignations of six of the military's top seven commanders, Aristide elevated then-Colonel Raoul Cedras to Chief of Staff, as reward for his role as commander of the troops who provided security during the elections.

Aristide then turned to dismantling the notorious Section Chief system. As the military's primary instrument of control in the countryside, the *Chefs de Section* blended de facto judicial authority with formal police power into a license for wholesale extortion. In April 1991, Aristide ordered all 555

CLINTON MADE HAITIAN REFUGEES
THE FIRST VICTIMS OF A SERIES OF
HIS BROKEN CAMPAIGN PROMISES,
DRAPING THE BETRAYAL IN A MANTLE OF
UNCTUOUS HUMANITARIAN CONCERN.

10. Author's interview, February 1992, published in *World Policy Journal*, Spring 1992, pp. 355-56.

11. *Ibid.*

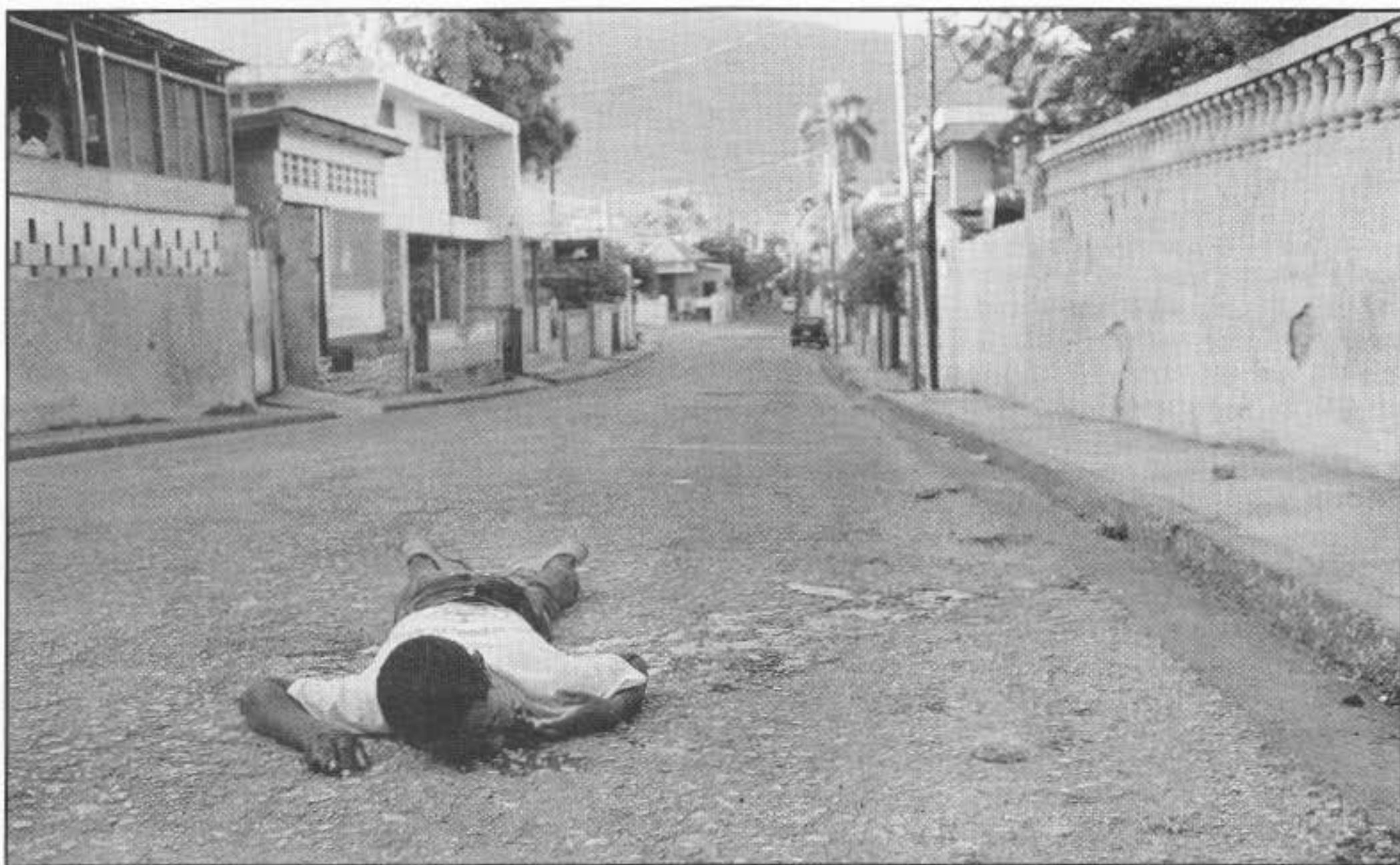
12. Real wages in Haiti had declined by 45 percent between 1985 and 1990. U.S. Commerce Department figures, cited in *Haiti After the Coup*, op. cit., p. 21.

13. According to research by Charles Kernaghan of the National Labor Committee Education Fund in Support of Worker & Human Rights in Central America, AID provided \$26 million to Haitian businesses in 1991. \$12.7 million was allocated to "Export and Investment Promotion," *Ibid.*, p. 22.

14. Worth Cooley-Prost, "Democracy Intervention: A Who's Who of NGOs," presented at conference entitled "NGOs, Grassroots Groups and Democracy in Haiti," Association Quebecoise des Organismes de Cooperation Internationale, Montreal, April 24-26, 1992.

15. *Ibid.*, p. 13.

16. Lee Hockstader, "Haiti's New President Purges Army: Leftist Priest Takes Office, Immediately Asks for Ouster of 6 Generals," *Washington Post*, February 8, 1991, p. A12.



Les Stone/Impact Visuals

Young boy shot in Port-au-Prince as part of election day violence.

Section Chiefs to surrender their arms and dismissed the most brutal of them. The rest were permitted to remain as "communal police agents," part of a reconstituted civilian police force, transferred from military control to the Justice Ministry. By the time of the September 29, 1991 coup, civilians had not achieved secure control of all Section Chiefs. Nevertheless, extrajudicial executions and official torture declined dramatically during Aristide's eight-month tenure.¹⁷

The new government often found it difficult to untangle its thorniest domestic and foreign affairs problems. Virtually all of Haiti's military officers had received U.S. military training, many key officers and other elite political figures were secretly on the CIA payroll,¹⁸ and Aristide's government had to decide what to do with a mysterious intelligence agency created by the CIA — the Service Intelligence Nationale (SIN). This powerful institution had ties not only to U.S. intelligence agencies, but also to international drug traffickers.

Narco-trafficking

According to the State Department, "all U.S. government military assistance to Haiti was suspended following the failed national election of November 29, 1987. The only government-

to-government assistance to the Haitian military that continued supported narcotics interdiction."¹⁹ Formal U.S. assistance to the Haitian military resumed during the run-up to the 1990 elections, but after the elections, it became apparent that "narcotics interdiction" carried an elastic meaning for the Reagan and Bush administrations.

During the 1970s and 1980s, Haiti had become a transshipment point for Colombian cocaine, particularly by the Cali cartel.²⁰ A month after his inauguration, Aristide appointed Patrick Elie, a chemistry Ph.D., professor, and owner of a private pharmaceutical consulting company, to coordinate an anti-narcotics program. SIN's purpose was supposed to be the fight against drugs, but Elie charged that the intelligence agency had spent four years' worth of secret CIA aid conducting operations against the very popular movement which brought Aristide to power. SIN, he says,

is an organization that we know very little about. But we had seen it operate without saying its name, in provocations, in political repression, and in fact, if you go back to

(continued on p. 52)

17. Americas Watch, National Coalition for Haitian Refugees, "Haiti: the Aristide Government's Human Rights Record," November 1991.

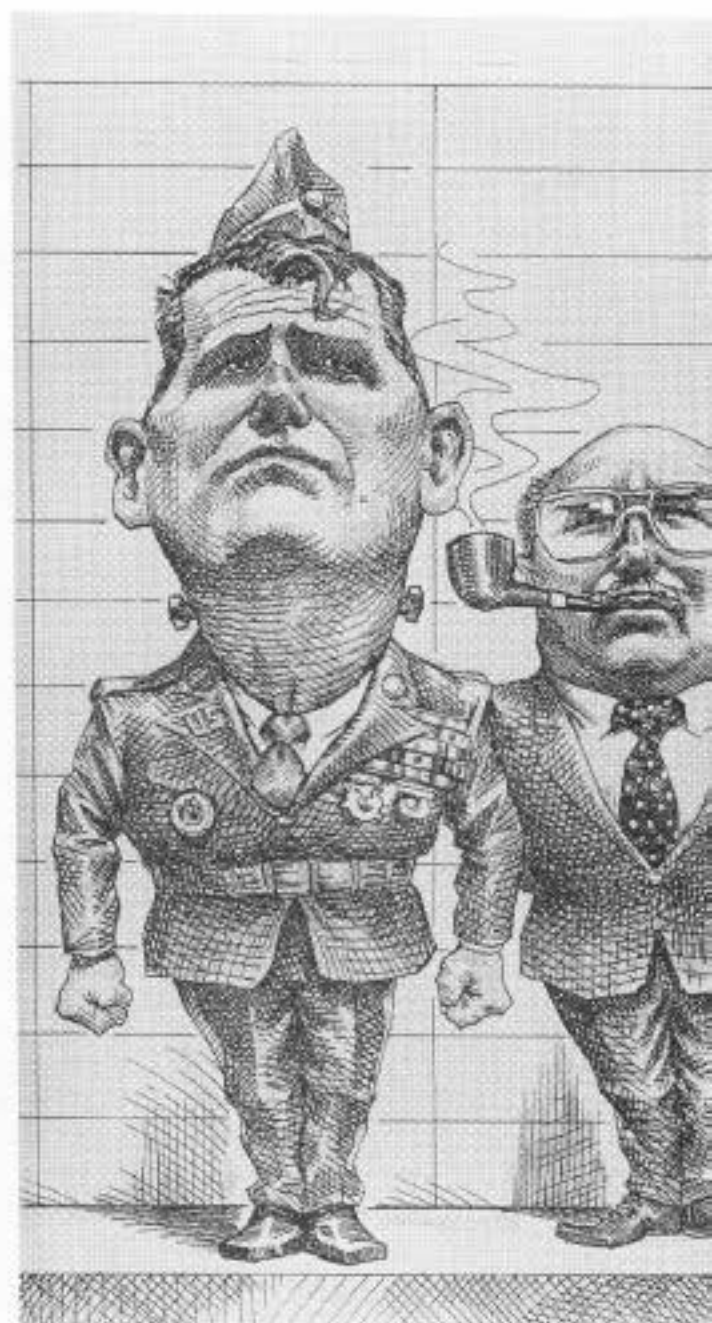
18. Tim Weiner, "Key Haitian Leaders Said to Have Been in CIA's Pay," *New York Times*, November 1, 1993, p. A1.

19. Secret cable, June 20, 1990, "U.S. Embassy Port-au-Prince to Secretary of State, Washington, D.C., Subject: Fiscal Year 1992 Security Assistance Reporting." Declassified document provided to author by the National Security Archive, Washington, D.C.

20. Author's taped record of press conference by Patrick Elie at the Embassy of Haiti in Washington D.C., December 9, 1993.

Too Good To Be True: Special Prosecutor's "Final Report" on Iran-Contra

Doug Vaughan



First, what it is not: The Last Word. So long as so much about the scandal remains secret, including a classified appendix to Walsh's Report, no one can safely pronounce final judgment.¹ The absurdity of the doctrine of national security as a rationale for state secrets is that the CIA has asked to see the secret section to find out if it contains anything it didn't already know about itself.²

Much of this report is necessarily an apology for lack of results. Walsh got a jury to convict North, only to have an appeals court reverse the verdict on what "conservatives" (a term, which in the U.S., includes fascists) are wont to call a "technicality" — that is, a constitutional principle against self-incrimination so important that, in order to uphold that higher law, known criminals are let loose on the street. That conviction would have disqualified

North's political ambitions, but dismissed on constitutional grounds, self-incrimination is now his badge of honor.

Who can watch Ollie campaigning for the Senate and not feel a faint nostalgia for the Reagan years? Those were the days: Off-the-books, off-the-shelf operations. HAWKS and TOWs and PROFs. Boland I and Boland II. Belly-button account. The Courier and The Hammer. Ollie threatening to go *mano-a-mano* with Abu Nidal. Ollie pulling traveler's checks from his office safe, proceeds of arms sales to the Ayatollah, and padding off on a patriotic mission to buy new snow tires for his wife's station wagon and underwear for his secretary. Fawn Hall smuggling Ollie's notes out of the White House in her pantyhose. Ollie and Fawn's little "shredding party."

Doug Vaughan is a Denver-based investigative reporter. His work has appeared in major newspapers and magazines in the U.S., Europe, and Latin America. He contributed to the prize-winning documentary films *Homeboys*, *Panama Deception*, and the BBC's coverage of the BCCI and Noriega cases.

1. Submitted August 5, 1993, as required by the Ethics in Government Act of 1982 (28 U.S.C. §595) to the special division of the U.S. Court of Appeals for D.C. that appoints independent counsels. The report was dated December 3, 1993, when the court ordered its release subject to certain changes, but was not released until January 18, 1994. It includes three main volumes. Vol. I, 566 pages, describes the 14 cases that were prosecuted and the investigations of 17 others, and concludes with Walsh's observations; Vol. II, 787 pages, compiles the indictments, plea agreements, and four interim reports to Congress; a 54-page Classified Appendix, including briefs on the Classified Information

Procedures Act, has been withheld from the public on grounds of national security. A companion Volume III, the largest at 1,150 pages, contains the responses of the defendants and other subjects of investigation, including Reagan, to Walsh's report. Their motions, filed on December 3, 1993, demanding that the Final Report remain sealed or censored, were released by the court February 8, 1994; among them was a motion by North seeking to suppress the report — with North's own name blacked out at his request by court officers. (See AP, "North purges name from files," *Rocky Mountain News*, February 9, 1994.) Other materials from the investigation that are not contained in the Final Report, some still classified, have been deposited in the National Archives; others are held, some under seal, in the U.S. District Courts of D.C., Maryland and Eastern Virginia (Alexandria), and the Courts of Appeals for D.C. and the Fourth Circuit.

2. Walter Pincus, "CIA Seeks to Review Classified Walsh Report On Iran-Contra Affair," *Washington Post*, February 12, 1994, p. A4.

The reviews are in: • "Most people don't give a rat's patootie about this report." — Oliver L. North • "Baseless" — Elliott Abrams • "An assault on the foundations of Anglo-American jurisprudence...a sophomoric term-paper built on self-serving assumptions...an extra-legal



Like any good contretemps, the tale was punctuated by the odd coincidence and the convenient premature death: CIA Director William Casey, a brain tumor the night before his scheduled testimony; Israeli adviser Amiram Nir, about to be subpoenaed, an airplane crash during an alleged avocado-inspection visit to Mexico.

The scandal that came to be known as Iran-Contra connected but two of the many covert actions of the Reagan-Bush years. Were it not for the telegenic fascism of a little poster boy named Ollie, we might as easily be talking about a South Africa-Renamo scandal, or Yugo-Angola, or any number of linkages in the chain of "secret" operations mounted by the White House — with the tacit support of the loyal opposition at the other end of Pennsylvania Avenue — in a bipartisan effort to lock up the world for U.S. capital in the 1980s. What is more scandalous is that no comparable legislative, judicial and media outrage extended to the even more ghastly civil wars in Afghanistan, El Salvador, Mozambique, and Angola, where the U.S.'s cozened death squads and helped butcher upwards of 100,000 people in each country — all quite legally.

At the center of the scandal, the connecting tissue, the hyphen itself was money — money to make war.

definition of representative government and the limits of executive power. Undeclared wars have become ever more popular with presidents³ because they do not require popular support; they are, in fact, proof that sufficient support is lacking to get a declaration of war from Congress. In the

wake of the Vietnam War, the bloodiest, longest undeclared war in U.S. history, Congress sought to protect its constitutional turf — the power to declare war — and passed the War Powers Resolution of 1973, over Nixon's veto. It required the president to report to Congress and seek at least

its specific authorization to commit troops abroad for more than 60 days.⁴

3. John Prados' *Presidents' Secret Wars: CIA and Pentagon Covert Operations Since World War II* (New York: Morrow, 1986) is a useful compilation.

4. The bombing of Cambodia was included in the original bill of impeachment brought against Nixon, but was dropped in order to attract broader support from "conservative" Democrats and "moderate" Republicans. A cogent analysis of the origins and failures of congressional oversight is found at Harold Hongju Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair* (New Haven: Yale University Press, 1990). See also, Louis Henkin, *Foreign Affairs and the Constitution* (St. Paul: The Foundation Press, 1972).

hit-and-run attack" — Richard Armitage • "Nonsense" — George Bush • "Sticks and stones may break my bones, but the pitiful, feeble evidence of my alleged crimes presented in the Walsh report will never hurt me....besotted with egotistical greed...

The "Trust Us" Legacy

In order to understand Iran-Contra, the limitations of the congressional investigations and Walsh's Report — and how ill they bode for the future — it is useful to reprise the historical context. First, in order to win passage of the War Powers Resolution in numbers sufficient to override the expected veto, Congress deliberately ignored the problem of "covert" wars waged by the intelligence agencies through surrogates. The Resolution applied only to the "Armed Forces" of the U.S., *i.e.*, not the CIA or any other bureaucratically distinct entity. The 60-day limit allowed the President to conduct short-term military operations under guise of emergency threats to "national security." Thus President Ford sent troops to Cambodia to free the merchant ship *Mayaguez* in 1975, and Carter attempted the rescue of hostages in Iran in April 1980. Only in the case of CIA operations in Angola in 1974-75 did Congress pull the plug on an ongoing presidential directive to conduct undeclared war against another government.

The Watergate reforms lasted about two years — one electoral cycle. By 1978, with a Democratic president in office, the Democratic Congress was in an expansive mood regarding presidential prerogatives in foreign policy. The great crusade against Communism led to a massive effort to aid Afghan rebels allied with the competing religious fascists of Iran and Pakistan. Carter's National Security Adviser, Zbigniew Brzezinski, went ga-ga over the idea of a "Green Belt" of militant Islam that would cinch the "soft underbelly of the Russian Bear" and protect the Persian Gulf oilfields and sea lanes.⁵ Now that this geopolitical fantasy has come to fruition and the chickens have come home to roost in the World Trade Center, one would think the Democrats would have learned the old adage, equally applicable to marital infidelity, business, politics and war: What they can do for you, they can do to you.

It was, of course, the very same institutional apparatus of paramilitary operations, including many of the same personnel, that was pressed into service when Reagan took power.⁶

5. Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Advisor, 1977-1981* (New York: Farrar Strauss & Giroux, 1983).

6. With a vengeance, it might be said, because some high-level CIA officers purged by Carter found their way back to influence under Reagan. Among them, notably, was Theodore G. Shackley, who had served as George Bush's Assistant Deputy Director for Operations at the CIA in 1975-76. Shackley's treatise on covert war, *The Third Option: An American View of Counterinsurgency Operations* (New

York: McGraw-Hill, 1981) provided the strategic underpinning to Reagan's view. Richard Secord, for example, had been chief of the Air Force's sales force to the Shah's profligate taste in military hardware — arguably one of the key reasons for his demise. Secord was the Pentagon's chief adviser to the National Security Council for the logistics of Carter's failed hostage-rescue attempt, in which Secord's Iranian-born business partner, Albert Hakim, helped recruit agents in Iran. All three went on to play key roles in Iran-Contra.

7. See Robert Parry, *Trick or Treason: The October Surprise Mystery* (New York: Sheridan Square Press, 1993); and Gary Sick, *October Surprise: America's Hostages in Iran and the Election of Ronald Reagan* (New York: Random House, 1991).

8. See "Joint Report of the Task Force to Investigate Certain Allegations Concerning the Holding of American Hostages by Iran in 1980," House Report No. 102-1102, 102nd Congress, 2nd Session, January 3, 1993; "Report of the Special Counsel to the Subcommittee on Near Eastern and South Asian Affairs," Committee on Foreign Relations, U.S. Senate, 102nd Congress, 2nd Session, November 19, 1992. The former probe was led by special counsel E. Lawrence Barcella, an ex-federal prosecutor who had been involved in the investigation of ex-CIA operatives Edwin Wilson and Frank Terpil, with whom some of the key players in Iran-Contra — Richard Secord, Tom Clines and Rafael Quintero — had been associated, causing them to be dumped from official positions during the Carter years. The latter investigation was by Reid Weingarten, also on Walsh's staff.

9. See Order of the Special Division of the U.S. Court of Appeals for the Circuit of the District of Columbia, December 19, 1986, quoted at Walsh, Vol. I, p. xiii.

10. "Hearings before the Select Committee to Study Government Operations With Respect to Intelligence Activities," Vol. 1-13; and "Recommendations of the Final Report of the House Select Committee on Intelligence," H.R. No. 94-833, 94th Congress 2nd Session, February 11, 1976, more commonly known as the Church and Pike Committees after their chairs, Sen. Frank Church (D-Idaho) and Rep. Otis Pike (D-N.Y.).

What is more scandalous is that no comparable legislative, judicial, and media outrage extended to the even more ghastly civil wars in Afghanistan, El Salvador, Mozambique, and Angola, where the U.S. cozened death squads and helped butcher upwards of 100,000 people in each country — all quite legally.

frivolous...shabby" — Duane Clarridge • "witchhunt...overzealous, vindictive" — Thomas G. Clines • "conflicts with my current memory...interminable...a tendentious polemic...a political jihad" — Charles J. Cooper • "erroneous...bespeaks a motive to smear

not those of rogue operations, but rather those of Executive Branch efforts to evade congressional oversight...."¹¹

InContravertible Evidence

Reagan came to office on a vow to reverse the "Vietnam syndrome" — the squeamishness of Congress in the face of popular opposition to U.S. intervention abroad. Following a procedure established by Congress in the 1947 National Security Act, Reagan immediately launched a series of executive decrees to conduct covert operations and assist surrogates in making war to subvert or overthrow foreign governments without a formal declaration of war.¹² As the first successful revolution in the hemisphere since Cuba, Nicaragua topped the list and provoked the ire of an alliance among the CIA's anti-Castro operatives, the Republicans, and the overthrown dictator of Nicaragua, Anastasio Somoza.¹³

Suffice it to say that the War Powers Resolution has never been successfully invoked to stop a President from waging war, covertly or otherwise, once authorized by the National Security Act and its progeny with such vast power. And as Walsh concludes:

Evidence obtained by Independent Counsel establishes that the Iran/Contra affair was not an aberrational scheme carried out by a 'cabal of zealots' on the National Security Council staff, as the congressional Select Committees concluded in their majority report. Instead, it was the product of two foreign policy directives by President Reagan which skirted the law and which were executed by the NSC staff with the knowledge and support of high officials in the CIA, State and Defense departments.¹⁴

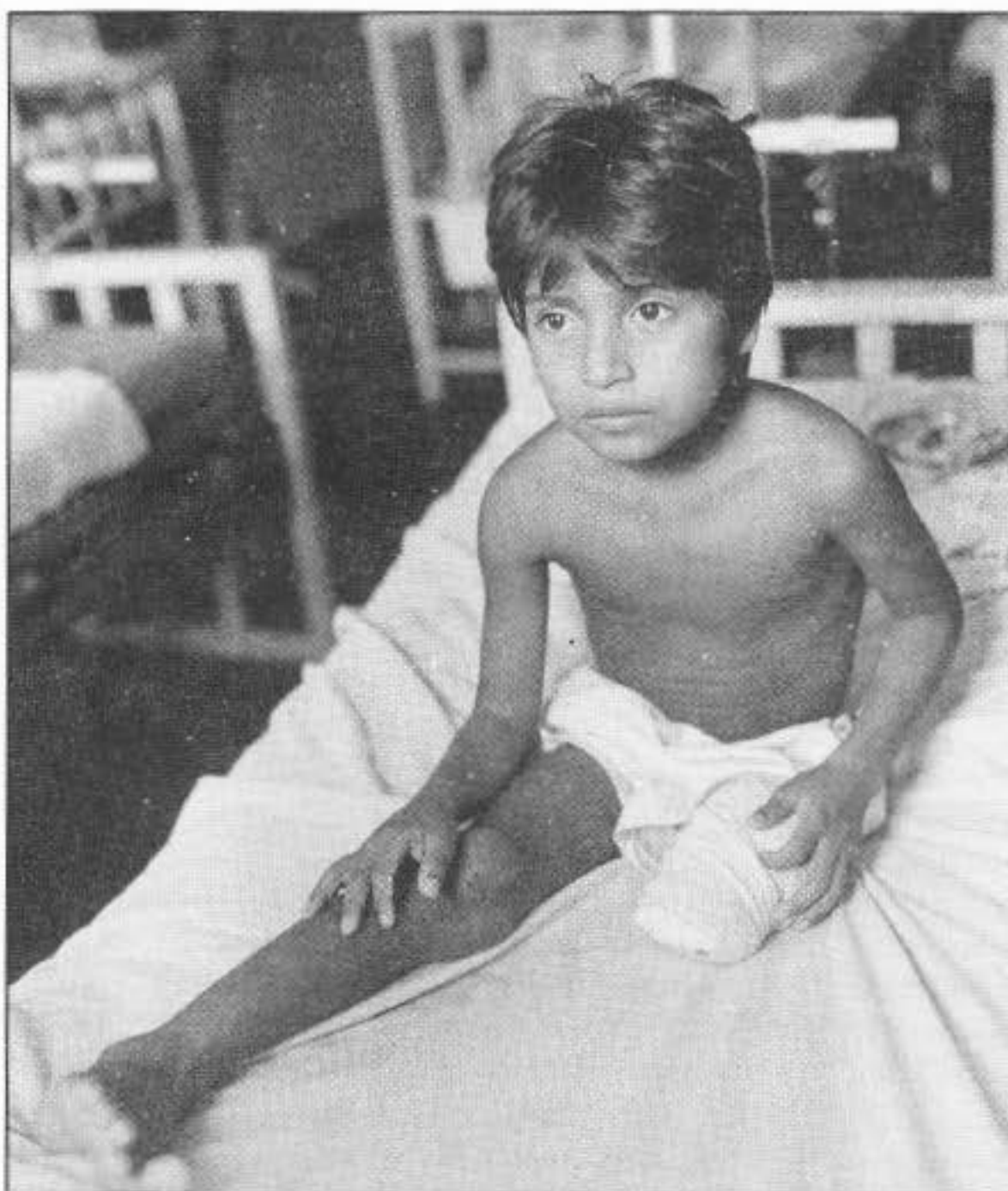
11. Walsh, Vol. I, p. xiii.

12. This is familiar territory to readers of this journal, which has been a compendium of these acts and their consequences. See also Holly Sklar, *Washington's War on Nicaragua* (Boston: South End Press, 1988); Jay Peterzell, *Reagan's Secret Wars* (Washington, D.C.: Center for National Security Studies, 1984), and Bob Woodward, *Veil: The Secret Wars of the CIA, 1981-1987* (New York: Simon & Schuster, 1987).

13. Walsh ignores these antecedents; they are summarized in Scott Anderson and Jon Lee Anderson, *Inside the League* (New York: Dodd, Mead, 1986); Russ Bellant, *The Coors Connection* (Cambridge, Mass.: Political Research Associates, 1986); and Jonathan Marshall, Peter Dale Scott and Jane Hunter, *The Iran Contra Connection: Secret Teams and Covert Operations in the Reagan Era* (Boston: South End Press, 1987).

14. Walsh, *op. cit.*, Vol. I, p. 562. The report to which Walsh refers is: "Report of the Congressional Committees Investigating the Iran-Contra Affair," U.S. House of Representatives, Select Committee to Investigate Covert Arms Transactions with Iran, and U.S. Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, November 17, 1987, p. 22.

15. Walsh, *op. cit.*, Vol. I, p. 563. The rules include the requirement that the President make a "Finding" that a covert operation is necessary to "national security" and report these operations "in a timely fashion" to the Senate and House Select Committees on Intelligence, which appropriate funds for authorized operations.



Paul Dix/Impact Visuals

The human cost of Iran-Contra abuses is often overlooked. At Siuna, Nicaragua, 1988, Contras killed 100 and maimed this boy.

It is impossible to read Walsh's Report without also concluding that Congress has not learned much. According to Walsh:

Fundamentally, the Iran/Contra affair was the first known criminal assault on the post-Watergate rules governing the activities of national security officials. Reagan Administration officials rendered these rules ineffective by creating private [sic] operations, supported by privately generated funds that successfully evaded executive and legislative oversight and control. Congress was defrauded.¹⁵

Unfortunately, while condemning the abuses, Walsh perpetuates the myth — propagated by the public criminals themselves — that they were committed by individuals who were even nominally "private."

my character" — Edwin G. Corr • "trying to rewrite history...contaminated with misstatement of fact" — Robert C. Dutton • "unfair, biased...sloppy" — Lt. Col. Robert L. Earl, Ret. • "highly distorted...seriously misleading...internally inconsistent" — Joseph F. Fernandez

The evidence that the U.S. itself was at war with Nicaragua since 1981 is incontrovertible. The International Court of Justice, established to peacefully resolve disputes between member-states of the United Nations, found the U.S. guilty of waging a war of aggression against its tiny neighbor. The U.S. arrogantly — that is, officially and formally — refused to acknowledge the UN's or the Court's jurisdiction — in effect, admitting that Nicaragua's charges were true even as it lied to its own people about what the government was up to in their name. So much for international law, so useful for beating up on the likes of Qaddafi or Saddam. So much for democracy.

Treaties (including that governing UN members) and related Covenants are, of course, part of the domestic "law of the land" but the courts are loathe to intervene in disputes between the president and Congress over the conduct of foreign policy, including war. While the constitutionality of the War Powers Act has been upheld, no federal court has ever dared stop an illegal war. There is even a federal court decision where pro-Contra mercenaries were prosecuted for violating the Neutrality Act. It absolved the mercenaries by ruling that even absent a formal declaration of war, the U.S. was certainly not "at peace" with Nicaragua. In fact, the prosecution of that case nearly blew the lid off Iran-Contra a year early, in 1985, and the White House exerted pressure on the U.S. attorney's office in Miami to delay the case.¹⁶

16. *U.S. v. Terrell, U.S. v. Posey, et al.* In a rare act of adversarial consensus, both prosecution and defense agreed that the ruling, by U.S. District Judge Norman Roettger, would be determinative and they would not appeal. Both Congress and Walsh investigated indications that Attorney General Meese intervened in the case

This early commitment by the Reagan-Bush administration and its retainers, acolytes, and proxies to a war of sabotage and assassination was revealed in news accounts of atrocities committed by Contras.¹⁷ By a vote of 411-0, Congress in December 1982 passed the first Boland Amendment, which prohibited the CIA from providing military assistance to the Contras "for the purpose of overthrowing the government of Nicaragua."¹⁸ The remaining array of purposes constituted a loophole big enough to drive a Pentagon through. And soon enough, the Special Operations Division and Intelligence Support Activity — born of the failure of the Iran hostage-rescue mission — scurried through.¹⁹ Veterans of these operations, including Richard Gadd and Robert Dutton, soon figured in the "private" network. At the same time, Congress gave the CIA money for the Contras so long as they stuck to the original lie — that their goal was merely to interdict the flow of arms from Nicaragua to Salvadoran guerrillas.²⁰ In April 1983, Reagan responded to media inquiries, "We are complying with the law, the Boland Amendment, which is the law." Asked if he was doing anything to overthrow Nicaragua's government, Reagan said, "No, because that would be violating the law."²¹

No one believed Reagan, even in a Congress divided between the gullible who wanted to believe and the cynical who knew better but claimed otherwise. A month later, the Senate Select Committee on Intelligence demanded a new presidential "finding" before it would authorize more aid to the Contras. The House analogue barred aid to the Contras but, taking the Administration at its word, authorized funds to stop the flow of arms to any rebel groups in the region. The Administration responded by establishing an Office of Public

Diplomacy, ostensibly in the State Department but coordinated by a former CIA psychological operations officer, Walter Raymond, assigned to the NSC,

by ordering the U.S. Attorney in Miami, Leon Kellner, to go slow. Kellner and others denied they were pressured, and Walsh found no convincing evidence to the contrary. Vol. I, pp. 550-51.

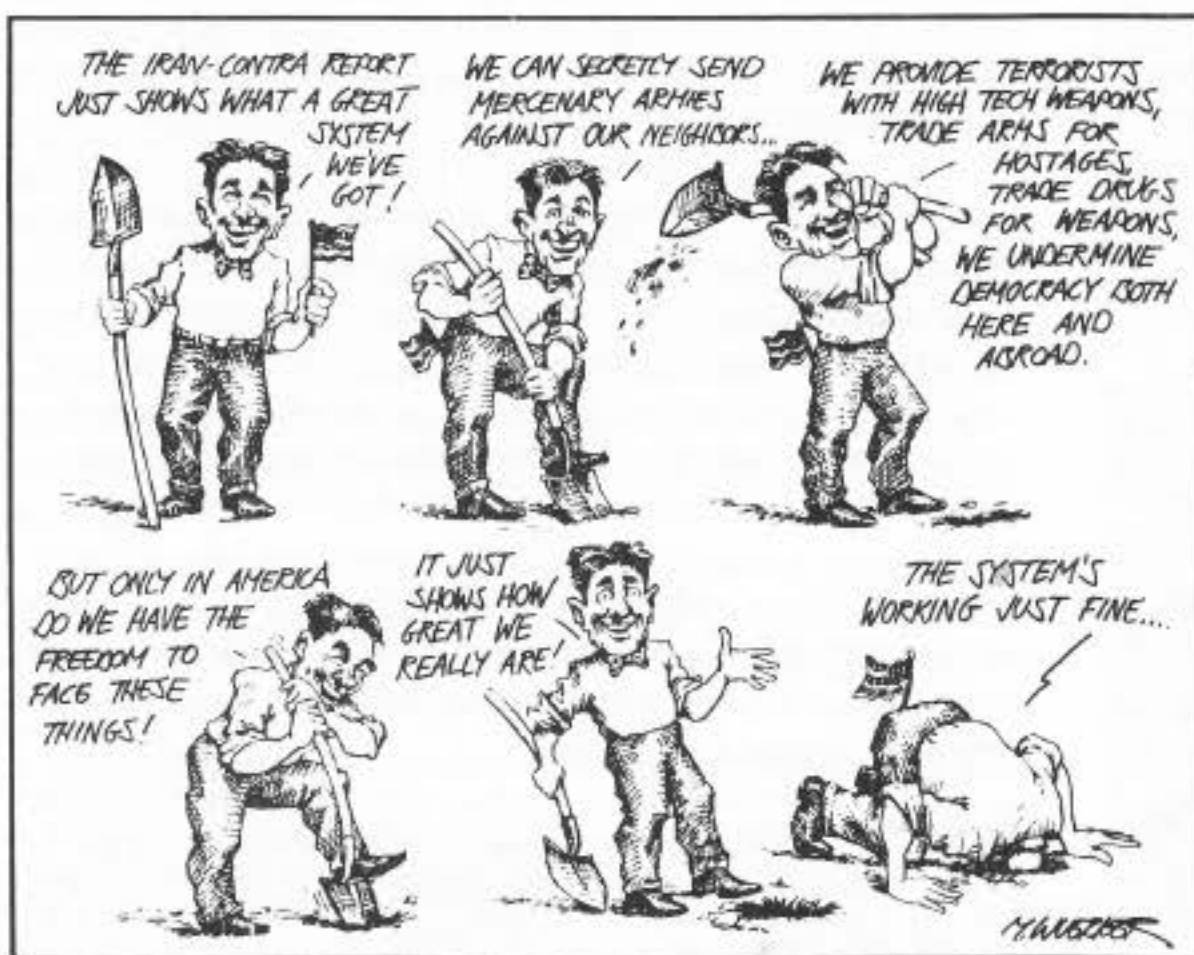
17. Notably, Christopher Dickey, whose reports in the *Washington Post* led to a book, *With the Contras* (New York: Simon & Schuster, 1985), and Brian Barger and Robert Parry, then with Associated Press.

18. Public Law 97-377, Defense Appropriations Act for FY 1983, Sec. 793. The amendment was named for its author, Rep. Edward Boland (D-Mass.). Congress rejected a bill that would have barred all covert action funding. See Iran-Contra Report, Ch. 26.

19. See Steven Emerson, *Secret Warriors: Inside the Covert Military Operations of the Reagan Era* (New York: Putnam, 1988).

20. This claim was buttressed by a State Department White Paper, debunked by Philip Agee in Warner Poelchau, ed., *White Paper? Whitewash!: Interviews With Philip Agee on the CIA and El Salvador* (New York: Deep Cover Books, 1981). See also, Stewart Klepper, "The United States in El Salvador," *CovertAction*, April 1981, pp. 5-11.

21. *Public Papers of the President, Ronald Reagan*, Vol. I, pp. 539, 541 (April 14, 1983); this position was reiterated in an address to Congress, April 27, 1983, pp. 603-04.



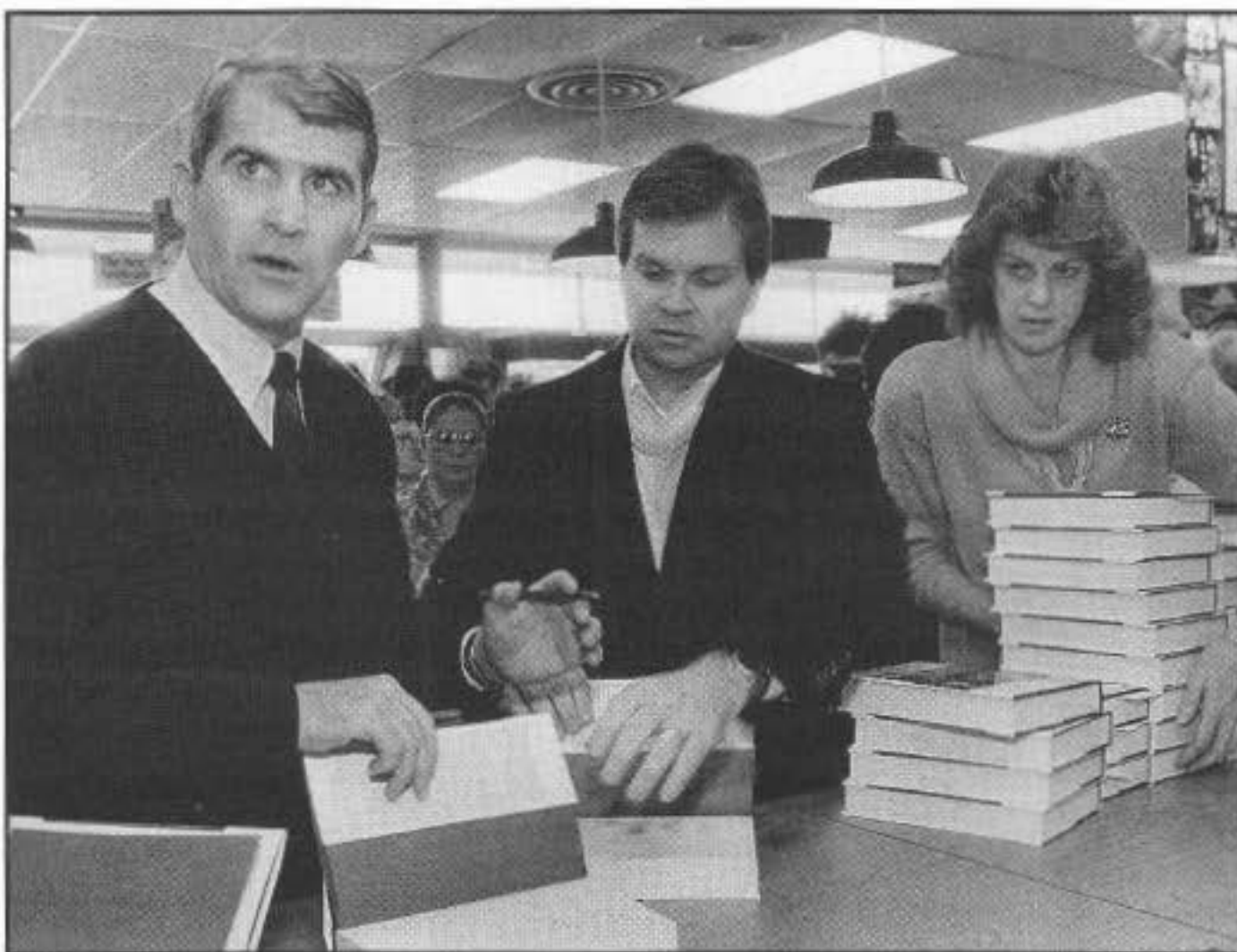
• "untrue...inexcusable" — Norman H. Gardner, Jr. • "purposely misleading" — H. Lawrence Garrett, III • "unjustifiably disparaging" — Robert M. Gates • "vengeful, abusive" — Clair E. George • "never able to grasp the concept of 'compartmentalization' or the

to muster public support through taxpayer-financed propaganda — later declared illegal by the Comptroller General.²² Meanwhile, in anticipation of a cut-off, the Pentagon agreed to transfer equipment cost-free to the CIA for the Contras — until that, too, was deemed illegal.

Biding for time, a new Finding was drafted in September 1983 to rationalize aid to the Contras — get this — as a means to force Nicaragua to negotiate a treaty pledging non-interference in the affairs of its neighbors. Reagan's people were nothing if not brazen in their hypocrisy, yet the Senate Intelligence Committee bought this lie, too. The House voted to cut off all aid. A "compromise" allowed another \$24 million to the CIA for the Contras. The CIA stepped up its war, mining harbors, bombing airfields. Even Barry Goldwater (R-Ariz.), Reagan's best friend on the Senate Intelligence Committee, realized he had been lied to. He complained that it was hard to defend their policy "if we don't know what the hell is going on."²³ Even in that confession there was a lie: Anyone who wanted to, could easily know exactly what was going on.

Finally, Congress passed and Reagan signed Boland II which extended the ban to the Pentagon and any "intelligence agency."²⁴ CIA Director William Casey stepped easily through the slightly tightened loophole and turned to a marine lieutenant colonel seconded to the staff of the National Security Council as his agent and operational point-man for continuing the Administration's covert policy. Casey got plenty of help from other members of the Restricted Inter-agency Group (RIG) of sub-cabinet officials like Undersecretary of State Elliott Abrams.

From October 1984 to October 1986, when Congress re-authorized "humanitarian" assistance to the Contras, President Reagan and his senior advisers sought by hook (soliciting "donations" from private citizens and foreign governments, in return for favorable treatment) or crook (diversion of funds from other sources) to keep the Contras in the



Rick Reinhard

Ollie North makes crime pay at book signing in Virginia where he is building support and a massive war chest for a 1994 Senate run.

field. The National Security Adviser, Robert "Bud" McFarlane, was assigned the task of "keeping the Contras together body and soul,"²⁵ and he delegated the job — bag man in conventional parlance — to North. Rich people like Joseph Coors, the beer baron, and Ellen Garwood, an heiress with spare change, asked Casey what they could do to help. Casey sent them to North for a tour of the White House and a sales pitch that ended with a handshake and photo with the president himself. The money was donated to tax-exempt, non-profit shell organizations — some of the leaders of which had formerly worked for the Office of Public Diplomacy and the U.S. Information Agency.²⁶ It was then laundered through a network of Panamanian companies and Swiss bank accounts to buy guns and ammo, even planes and helicopters — all illegal. When exposed, Abrams told Congress — between lies about his own lack of knowledge or involvement — that he found it degrading for a great power to walk around rattling a "tin cup."²⁷

By 1985, the NSC also was engaged in secret negotiations with Iran's government to win release of hostages held by

(continued on p. 57)

22. Iran-Contra Report, p. 34.

23. The mining of Nicaraguan harbors was revealed in the U.S. by Karen Tumulty, "House Denounces Mining," *Los Angeles Times*, April 13, 1984, p. 1.

Goldwater's reaction and Casey's "apology" are found at S. Rep. 98-665, pp. 8-10.

24. Originally added to an omnibus appropriations bill signed October 12, 1984, similar provisions were added to the Defense and Intelligence Authorization bills for fiscal year 1985.

25. McFarlane Testimony, Hearings, 100-02, May 11, 1987, pp. 5, 20-21.

26. Richard Miller and Frank Gomez, among others.

27. "Report of the Congressional Committees Investigating the Iran-Contra Affair," *op. cit.*, p. 189.

'need to know' — Donald P. Gregg • "deceptive" — Albert Hakim • "defamatory" — Charles Hill • "tendentious" — Michael A. Ledeen • "not in keeping with the spirit of the plea arrangement" — Robert C. McFarlane • "No comment" — John N. McMahon

Democratic Rights: Aliens Need Not Apply

THE TRIAL OF THE L.A.-8



The last number trial of the Cold War era targets Palestinian rights activists and ushers in the anti-immigrant fervor that is scarring the '90s.

Phyllis Bennis

Seven years is a long time. In January 1987, the Reagan administration's orchestration of the Cold War had ratcheted up regional and global tensions around the world. The Middle East was a tinderbox of tensions, and in pre-intifada Palestine, despair and repression were moving inexorably toward upheaval and an uprising of resistance.

Back in Washington, the Justice Department, led by Reagan's close friend, the cold warring Attorney General Edwin Meese, launched a domestic version of the White House and State Department's international "anti-terrorism" crusade. On January 26, in coordinated pre-dawn assaults, a combined task force of the FBI, INS, local police, and other law enforcement agents staged helicopter-backed raids across Los Angeles County. At gunpoint, they arrested six Palestinians and the Kenyan wife of one of them. (A seventh Palestinian, a pharmacy student, was arrested later that day while taking

a chemistry exam.) Headlines spilled out of the presses: "7 Tied to PLO Terrorist Wing Seized by INS,"¹ was among the more sober. The tabloids screamed various versions of "Terrorist Nest Discovered in L.A."

In the next seven years, much changed. The Cold War ended. The Bush administration storm raged through the desert, leaving 200,000 to 300,000 Iraqi dead and positioning the U.S. as the world's sole superpower.

Now, although Middle East tension and Israeli occupation of Palestinian lands continue, key diplomatic changes have taken place. Israel has begun long-rejected direct negotiations with the PLO. The Clinton administration has opened talks with the organization it once branded as "terrorist," pledged \$500,000 of U.S. tax money to back mostly PLO-run institutions in the West Bank and Gaza, and agreed to provide "non-lethal" military aid directly to Yasir Arafat and the PLO.

Double Standard

But in Los Angeles, some things haven't changed at all. The "Los Angeles Eight" still face deportation for their political

Phyllis Bennis is a Middle East analyst and U.N.-based journalist. She is author of *From Stones to Statehood: the Palestinian Uprising* (Brooklyn: Interlink, 1989); and *Altered States: A Reader in the New World Order* (Brooklyn: Interlink, 1993). She has worked as a consultant to the Los Angeles Eight defense team since the case began and has attended the trial. Photo: Samir Twair. From left: Aiad Barakat, Julie Mungai, Niam Sharif, Ayman Obeid, Michel Shehadeh, Basher Amer, Khader Hamide. Not pictured is Amjad Obeid.

1. William Overend and Ronald Soble, *Los Angeles Times*, January 27, 1987.

ideas and activities that, had they been U.S. citizens, would have been completely legal: They spoke out in defense of Palestinian national rights and the legitimacy of the PLO, and they raised funds for hospitals, clinics, and other humanitarian projects aiding Palestinians in the occupied territories and in exile. Two of the Eight, green card-holding long-time U.S. residents Khader Hamide and Michel Shehadeh, are still on trial in Los Angeles immigration court facing deportation. The cases against the other six, for related technical visa violation charges, remain pending.

The case reflects a long, and in some ways, quintessentially U.S. saga which is raising far-reaching issues of violations of constitutional rights, judicial conflict of interest, and anti-Palestinian politics. In the trial, the government's key "anti-terrorism experts" collapsed under defense cross-examination after displaying ignorance of key events and players in the Middle East. The Chief Judge of the U.S. Immigration Court, on his deathbed in Washington, hand-picked a smart, ambitious young judge to take his place in the case. That judge, a former prosecutor with the Justice Department's anti-Nazi team in Cleveland (yes, John Demjanjuk's name will emerge later), also turns out to be an official of the same "civil rights" organization which spied on the L.A. Eight and first urged the FBI to prosecute or deport them.

The government has never charged the defendants with terrorism. In 1989, Bush's candidate to head the CIA, then-FBI Director William Webster, testified to Congress that a three-year FBI investigation had found no evidence of support for terrorism, of planning or supporting terrorist activity, or indeed of any illegal activity by any of the Eight.² If they were U.S. citizens, he said, there would have been no basis for their arrest. In 1991, the lead prosecuting attorney, Michael Lindemann, told the *New York Times* that "it goes without saying that if they were United States citizens, nothing would be applicable to them."³ But they are not U.S. citizens, and still today, the effort to deport the Eight proceeds at full steam under the supposedly civil liberties-oriented Justice Department of Attorney General Janet Reno.

Defining Terrorism

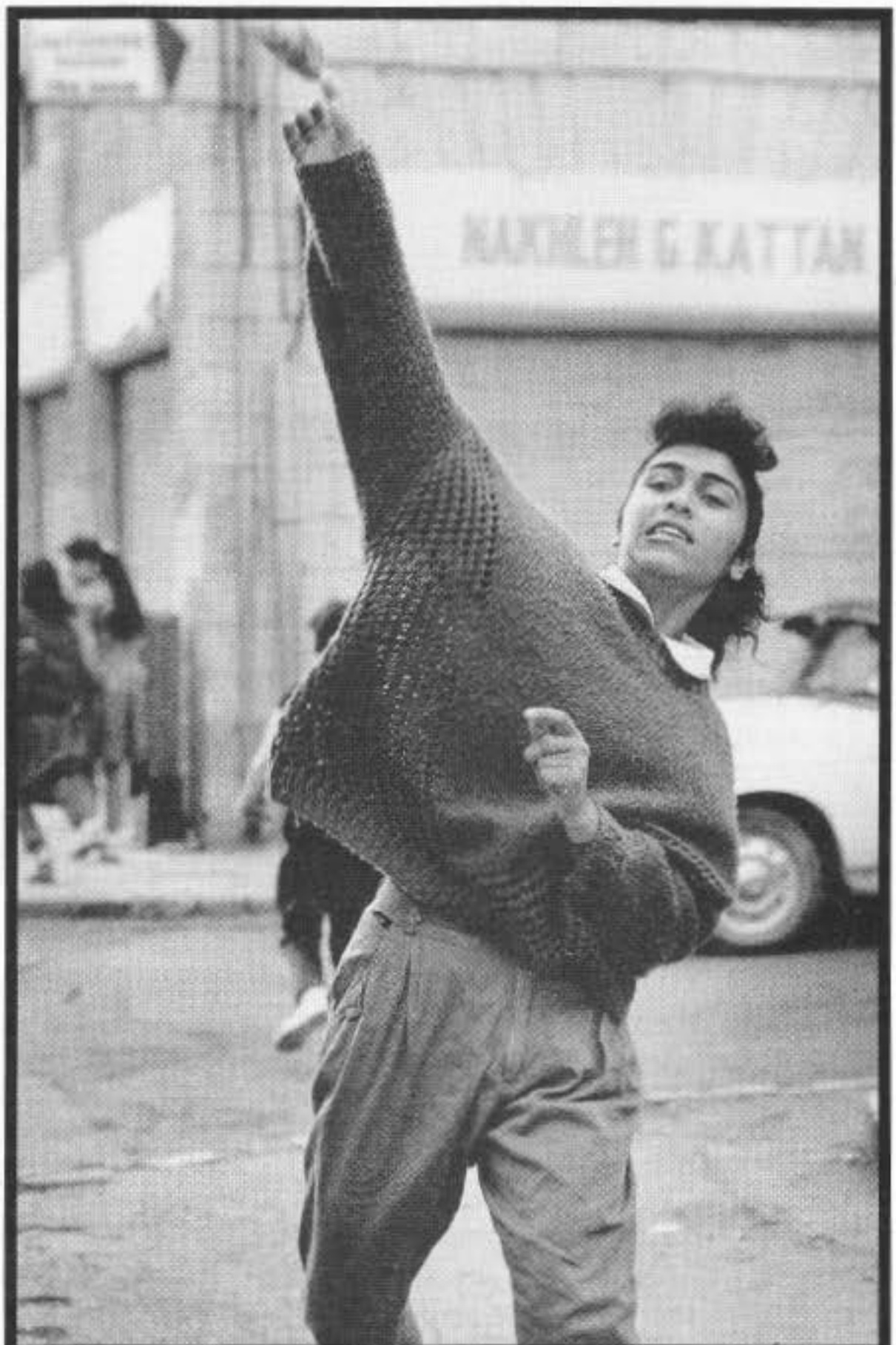
The ordeal of the L.A. Eight spans three administrations and brings home the ideological war against "terrorism" that marked the end of the Cold War, the beginning of the "new world order," and the implementation of the Clinton "vision."

The Eight are still being prosecuted despite repeal of the law under which they were arrested.

2. "Deport for Acts Not Speech," (editorial), *Washington Post*, November 30, 1991.

3. Seth Mydans, "Free Speech Is at Issue as a Palestinian in U.S. Cites Deportation," *New York Times*, December 8, 1991.

Congress' dismantling of the anticommunist McCarran-Walter Act in 1990 (which was the main legal vehicle in the 1940s and '50s for deporting alleged communists during the McCarthy era) was supposed to end the threat of deportation for unpopular ideas and ensure that people faced deportation only for unlawful actions, not for ideas, associations, or memberships. But that same year, Congress passed a new immigration bill, which essentially substituted "anti-terrorist" for "anti-communist" restrictions. In fact, because it leaves the term "terrorist organization" undefined, and subject to the whim of changing political currents, the new regulation represents an equally serious threat to civil liberties as did its precedent. The government interpretation of the law, being tested for the first time in the trial of the L.A.-8,



Neal Cassidy/Impact Visuals

Israel considered the Intifada a part of Palestinian terrorism. Here, a schoolgirl in Jerusalem throws rocks at police.

is that any organization with a history of armed struggle, or even a few fumbling or failed military strikes, may be defined as "terrorist" and its non-citizen supporters threatened with deportation.

Ironically, while trying to deport the Eight for raising funds for humanitarian institutions run by one faction of the PLO, the U.S. government recently pledged hundreds of millions of dollars directly to the PLO. Thus, while President Clinton calls on U.S. taxpayers to supply aid dollars, non-citizens who support these same organizations face deportation. The U.S. government position is that *any* support to *any* organization, or to *any* institution supported by that organization, that *ever* carried out military activities constitutes support to a "terrorist organization" and is a deportable offense. If the government implemented its policy uniformly, all the non-citizens who donated money to the FMLN of El Salvador or to the ANC during Nelson Mandela's triumphant 1991 U.S. tour would be subject to deportation. The government would also have to bring charges against thousands of its ideological allies who donated to the Nicaraguan Contras, anti-Castro Cubans, and the Afghan Mujahedeen.

Demonizing Immigrants

The Los Angeles case has implications far beyond the walls of the Los Angeles courtroom. It lays open a number of key political threats of the post-Cold War era:

- denying First Amendment and other rights to non-U.S. citizens;
- legitimating anti-immigrant prejudices;
- legalizing deportation of non-citizens for supporting national organizations back home;
- using spurious claims of "terrorism" to create public panic;
- continuing long-standing U.S. efforts to undermine Palestinian nationalism despite tactical U.S. moves towards the cuddlization of Yasir Arafat;
- allowing pro-Israeli lobbying organizations to influence, perhaps sometimes even determine, U.S. government policy;
- and government planning for mass incarceration of "suspect" non-citizens from the Middle East.

Within weeks of the L.A. arrests in 1987, a chilling government document, "Alien Terrorists and Undesirables: A Contingency Plan,"⁴ revealed the apparent breadth of the Reagan administration's campaign. The report came out of the Alien Border Control Commission (ABCC), an inter-

agency task force with representatives of several divisions of the Department of Justice (FBI, INS and others), the State Department, Customs, and the U.S. Marshals. ABCC's goals, as articulated in the responsibilities of its working groups, were "development of visa restrictions from certain countries...likely to be supportive of terrorist activity within the United States; expulsion from the United States of Alien [sic] activists who are not in conformity with their immigration status...[and] a review of contingency plans for removal of selected aliens from the U.S. and sealing of the borders."⁵

The "certain" countries were identified as seven Arab nations — Jordan, Lebanon, Algeria, Syria, Tunisia, Libya and Morocco — plus Iran. Interestingly, because the U.S. denied their national identity, the Palestinians were not specifically named but were instead grouped with Jordanians. The plans for "removal of selected aliens" included detailed arrangements for internment camps in Oakdale, Louisiana, and elsewhere. One possible scenario included "invalidat[ing] the visas of all non-immigrants of the nationality group;" another proposed that "if the Oakdale detention center is too full an adjacent site is sized to house up to 5,000 aliens in temporary (tents) quarters suitable in that southern climate."⁶

Throughout the first years of the Palestinian deportation efforts, it became clear that the government was using the L.A. Eight as a test case for this ABCC contingency plan. The

government viewed Palestinians as the "weak link" among civil liberties and immigrants' rights movements and thus more easily targeted than, say, Central Americans who had more electoral clout, allies in Congress, and backing from solidarity movements. The breadth of support that developed for the Eight from many mainstream civil rights organizations, congresspeople, religious

leaders, and others surprised U.S. functionaries. As one unnerved INS official acknowledged, "we didn't expect the [noted civil rights attorney] Leonard Weinglasses of the world" to be involved in this case.⁷

Further evidence that the L.A.-8 case was a trial run for the Contingency Plan was shown by how closely the arrests followed the specific tactics advocated in the document. In the ABCC document, officials were advised to:

- "routinely hold any alien so charged without bond, as a danger to the national security and public safety";
- "vigorously oppose granting of bond by immigration judges";

**"Alien Terrorists and Undesirables:
A Contingency Plan," recommended
"a review of contingency plans for
removal of selected aliens from the
U.S. and sealing of the borders."**

4. The report was leaked to the *New York Times* and on February 5, 1987, to the L.A. -8 Committee for Justice.

5. ABCC, "Alien Terrorists and Undesirables." February 5, 1987.

6. *Ibid.*

7. Press conference, 1987.

- rely when possible, on non-ideological provisions of the deportation laws, so that “in this way, should the single [explicitly political] charge fail, the government has a ‘fall-back’ position on which to rest”;
- use evidence regarding the respondents’ political affiliations even “in those charges where the [political] charge cannot be established and a lesser charge is used (such as the overstay provisions).”

The *Contingency Plan*, and its parent agency, the ABCC, reflected a nascent renewal of the anti-immigrant fever just taking shape in the mid-1980s. Perhaps it was prescient — popular hostility and efforts to blame “foreigners”

for every social problem from AIDS to unemployment to street crime are growing rapidly. Then again, the rise in public fear that immigrants are taking away jobs, health care services, and social benefits which would supposedly otherwise be available to citizens, may be, at least in part, a result of government programs targeting aliens.

Outlawing Political Activities for Non-Citizens

But even beyond the *Contingency Plan*, the effort to deport the Eight represents a thoroughgoing assault on the principle that non-U.S. citizens have the same constitutional rights as citizens. And on this point, the government may not prevail. The denial of the First Amendment right of free speech has provoked special outrage, even in the mainstream media. Newspapers throughout the country, from the *New York Times* and *Washington Post* outward, editorialized against the deportation effort.⁸ At least one judge agreed. For over six years Federal District Court Judge Stephen Wilson has been hearing *ADC v. Reno*, as it is currently called, a companion case to the government’s

8. “The USA and the PLO,” (editorial), “Exorcising McCarran-Walters’ Ghost,” *New York Times*, September 22, 1993.



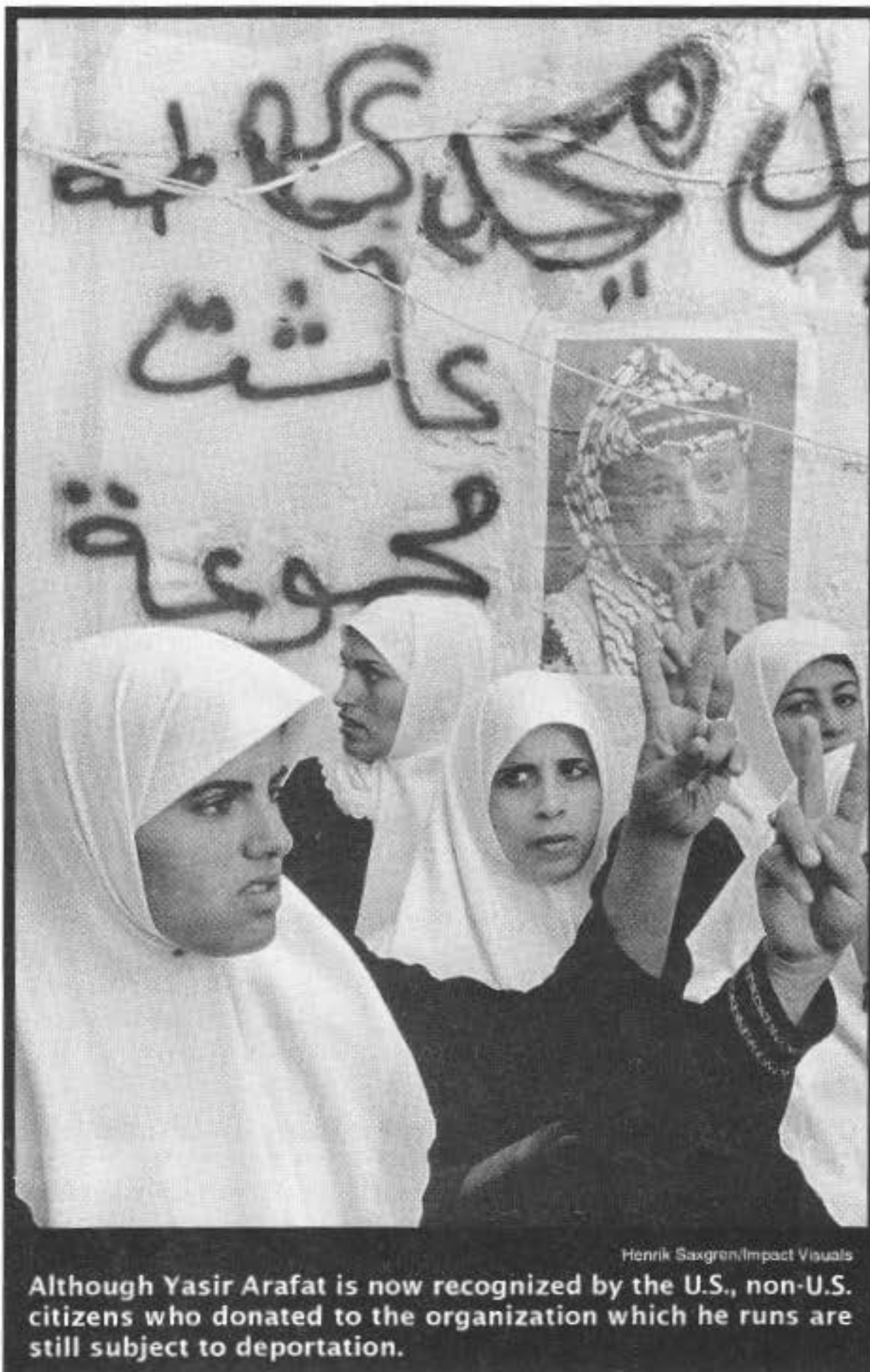
Judy Janda/Impact Visuals

Some money raised in the U.S. has gone to popular committee mobile medical units, like this one in the West Bank. In the kitchen, a dentist extracts a tooth.

deportation effort. This affirmative suit, brought by a number of Arab-American organizations as well as the Eight themselves, aims to stop the government’s deportation. In a landmark ruling on December 22, 1988, Wilson held that non-citizens do indeed enjoy First Amendment rights identical to those of citizens.

In a January 7, 1994 order, he noted “[M]ere association with PFLP [Popular Front for the Liberation of Palestine] is protected by the First Amendment....[T]he PFLP is not solely a criminal organization. It does more than conduct terrorist operations.” The ruling supported the defense contention that the broad scope of PFLP activities⁹ demonstrates the difficulty

9. Although the respondents have yet to call their own witnesses, as the Justice Department’s case remains unfinished, they have submitted a lengthy exhibit that demonstrates the breadth of PFLP activities: including a network of kindergartens and daycare centers throughout the Middle East; clinics and hospitals providing primary as well as surgical care for Palestinians, Lebanese, Syrians and others; a wide-ranging social welfare organization that provides money, educational opportunities and job training for Palestinians living under occupation or in exile; support for the families of killed or wounded Palestinians; cultural teams, art exhibitions and poster production; publishing centers, including several magazines, and books of politics and literature; diplomatic activities, with offices in numerous countries around the world, as well as participation in PLO diplomatic missions and internal PLO activities; and many more.



Henrik Saxgren/Impact Visuals

Although Yasir Arafat is now recognized by the U.S., non-U.S. citizens who donated to the organization which he runs are still subject to deportation.

and inherent politicization of defining any such organization as "terrorist."

The INS, moreover, does not deny that the PFLP, the PLO faction the L.A.-8 supported, carries out a wide range of completely lawful activities involving a network of health care institutions, social welfare, education, publishing, diplomacy, cultural work, etc. Rather, in its zeal to deport the Eight, the INS finds these activities irrelevant. It also rejects the body of legal precedents (established in cases relating to the U.S. Communist Party) which established that deportation based on support for an organization that carries out both lawful and unlawful activity must show specific support for the unlawful actions. As one INS lawyer often intones in court, the PFLP is a "terrorist organization," and the fact that it may "do a bake sale" once in a while doesn't change that.

Trial and Error

The heart of the government's case, then, rests on establishing that PFLP is a terrorist organization. Only if the prosecutors can prove that fact, can they go on to provide whatever evidence they think they have about Shehadeh's or Hamide's involvement with the PFLP. And as it stands now, even after seven years, the Justice Department has yet to make even the requisite *prima facie* (on its face) case that PFLP is a "terrorist organization."

The failure to establish proof is not from lack of time, effort, or expenditure of money. For several years, two "experts," hired by the government at \$200 an hour, have been preparing for the trial by creating a chronology of the PFLP's military actions. Dating back to 1968 — when Hamide was just starting high school and Shehadeh was still in junior high — the chronology lists hundreds of incidents, ranging from the firebombing of bus stations in the occupied West Bank, to the most flamboyant multiple skyjackings of the early 1970s. It asserts that the PFLP leadership was knowingly behind every one of them. (No one claims, it should be remembered, that any of the Eight had anything to do with any of the incidents.)

The government's real quandary — as has become increasingly clear during weeks of testimony throughout 1992 and 1993 — is that the chronology simply does not prove PFLP responsibility or even establish with certainty that some of the incidents actually occurred. The entire list is based on hearsay and uncorroborated media accounts; not one primary source is to be found in the dozens of boxes of cross-referenced folders and hundreds of files. Even the source of much of the information cannot be authenticated. The Israeli expert responsible for the research, Ariel Merari of the Jaffe Center for Strategic Studies at Tel Aviv University, admits he consulted Israeli military intelligence officials

all along the way, but refuses to say what information he received. Thus, the judge is unable to assess the reliability and accuracy of the evidence, since at least part of it comes from classified sources. Merari's days of cross-examination, painstakingly tedious but cumulatively devastating to the government's case, illustrated the problem. The cross examination sounded something like this:

Defense Lawyer Marc Van Der Hout: Now I'd like to direct your attention to the incident on "X" day, which you claim unequivocally was carried out by the PFLP. The first piece of evidence you relied on is a radio broadcast summary from FBIS [the CIA's Foreign Broadcast Information Service]. What is the name of the announcer who originally broadcast this information?

Merari: I don't know.

Van Der Hout: What is the credibility of this reporter?

Merari: I have no information about the announcer.

Van Der Hout: Who provided the original source information to the reporter?

Merari: I don't know.

Van Der Hout: To whom was the original information provided?

Merari: I don't know.

Van Der Hout: How many layers of intermediaries were there between any eyewitnesses, if there were any, to the event, if it occurred at all, and the broadcast journalist?

Merari: I don't know.

Van Der Hout: Who wrote the text of the broadcast?

Merari: I don't know.

Van Der Hout: Who translated the broadcast from its original language?

Merari: I don't know.

Van Der Hout: Who summarized the original text for FBIS?

Merari: I don't know.

Etc.

The second hired witness, Paul Wilkinson¹⁰ from Aberdeen University, was described as an expert in the broad issues of terrorism — the patterns, trends, overall tendencies. This designation of the Scottish academic as a generalist was meant to excuse his astonishing ignorance of the specifics of the Middle East, the PLO, the PFLP, and the incidents making up the chronology to which he attached his name.

Part of his recent testimony involved assessing newly released summaries of information from the CIA and several other agencies (provided reluctantly and incompletely under court order), regarding the evidence in classified files that contradicts the government's claims of unequivocal PFLP responsibility for the myriad incidents. By the end of Wilkinson's last round of testimony in December 1993, his expensive value to the government's case seemed on the verge of collapse. A close-to-the-mark paraphrase of his last 15 or 20 minutes on the witness stand sounded something like this:

Asked if he was ever threatened with deportation, Chamorro smiled and said it had happened once — when he informed his CIA handlers that he would no longer be willing to carry out their chosen terrorist activities.

10. In the mid-1980s, Wilkinson became a trustee at the Scotland-based Research Foundation for the Study of Terrorism. On September 10, 1984, he had a 90-minute meeting with Lt. Col. Oliver North and later that day made a one-hour presentation to the National Security Council about terrorism in Western Europe ("Oliver North's Schedule," entry in North's diary, September 10, 1984).

Defense Lawyer David Cole: Mr. Wilkinson, there is a CIA document blaming "Abu Lutf" for a 1976 incident in Istanbul, which you blame on the PFLP. Who is Abu Lutf?

Wilkinson: Oh, he's a leader of the PFLP.

Cole: Okay. And in the next document the CIA blames "Farouk Qaddoumi." Who is Farouk Qaddoumi?

Wilkinson: Let me think... Yes, he's a leader of the PFLP also.

Cole: In fact, Mr. Wilkinson, isn't it true that Abu Lutf and Farouk Qaddoumi are actually the same person?

Wilkinson: You know, Your Honor, I think I must be getting tired. Now that you mention it, you're right. And under both names he's a leader of the PFLP.

Cole: But isn't it true that Farouk Qaddoumi is actually the foreign minister of the PLO and a leader of Fatah?

Wilkinson: Well, yes, now that you remind me, he is a PLO leader now. He *used* to be in the PFLP.

Cole: And just when did he leave the PFLP?

Wilkinson: I don't know exactly, but some time between the Istanbul incident and when he became foreign minister.

Cole: Now please look at the *Newsweek* article identifying Farouk Qaddoumi as PLO foreign minister; what is the date on that article?

Wilkinson: It's 1976, the day after the Istanbul event.

Cole: So what you're telling us is that in the 24 hours after this incident, Qaddoumi left the PFLP, joined Fatah, and became the foreign minister of the PLO. And at exactly what time of day did that occur?

Wilkinson: [Answer unclear.]

Cole: Now, Mr. Wilkinson. Another CIA document blames a previously unknown Lebanese organization for the Istanbul incident; the CIA source is An-Nahar. Who is An-Nahar?

Wilkinson: An-Nahar is what they call Yasir Arafat.

Cole: And finally, Mr. Wilkinson, the CIA blames another non-PFLP organization, based on a source named As-Saffir. Who is As-Saffir?

Wilkinson: I'm sorry, your honor, I don't know who he is. I don't know this person.

Cole: Mr. Wilkinson, isn't it true that *An-Nahar* and *As-Saffir* are the two leading daily newspapers in Beirut?

In February, Judge Bruce Einhorn, who is scheduled to rule in the deportation case, set April 1 as the date by which the government agencies must comply with his order to produce all the material in their files which contradicts government claims. So far, the CIA has produced very little, and the others — the FBI, the DIA, the State Department, and several embassies abroad — have produced even less.

Selective Prosecution

A key factor in the trial has been the issue of selective prosecution. From the start, the defense has maintained that the decision to test this new law on Palestinian activists was a conscious political move. In the early months of the case, the defense presented extensive evidence of "terrorist organizations" (according to the government's own definition) whose non-citizen members and supporters were not only *not* deported, but were actually protected and promoted by the government. The defense showed how these pro-U.S. groups were provided with travel documents and government-expedited travel arrangements, money, logistical assistance, and other support both in and outside the U.S. Evidence regarding the Nicaraguan Contras, the counterrevolutionary Cubans, supporters of UNITA and RENAMO, the Afghan mujahedeen, and others was presented. Former Contra leader Edgar Chamorro gave the most compelling testimony. He described his own involvement, while residing in the U.S. as a non-U.S. citizen, in planning and executing a wide range of terrorist activities — especially attacks on civilian economic targets in Nicaragua. Asked if he was ever threatened with deportation, Chamorro smiled and said it had happened once — when he informed his CIA handlers that he would no longer be willing to carry out their chosen terrorist activities.¹¹

In a January 1994 ruling, Federal District Court Judge Wilson returned to the still unresolved issue of selective prosecution. In a finding that seemed to indicate his belief that the government does indeed discriminate unlawfully in its choice of whom to deport, Wilson gave the Justice Department until February 11, 1994, to produce records of any deportation efforts against supporters of several pro-U.S. organizations.

Enter the ADL

While *ADC v. Reno* continues in federal court, the INS case against Hamide and Shehadeh is now the showcase of immigration Judge Bruce Einhorn. And that raises some further complicating factors. Judge Einhorn, before moving to Los Angeles, was one of the six prosecutors in the OSI (Office of Special Investigations) team responsible for the flawed extradition proceeding against accused Nazi war criminal John Demjanjuk. In a blistering criticism, the Sixth Circuit Court of Appeals stated that the OSI team had, through reckless disregard of its responsibility to disclose exculpatory material, committed fraud against the trial court. "The attitude of the OSI attorneys [one

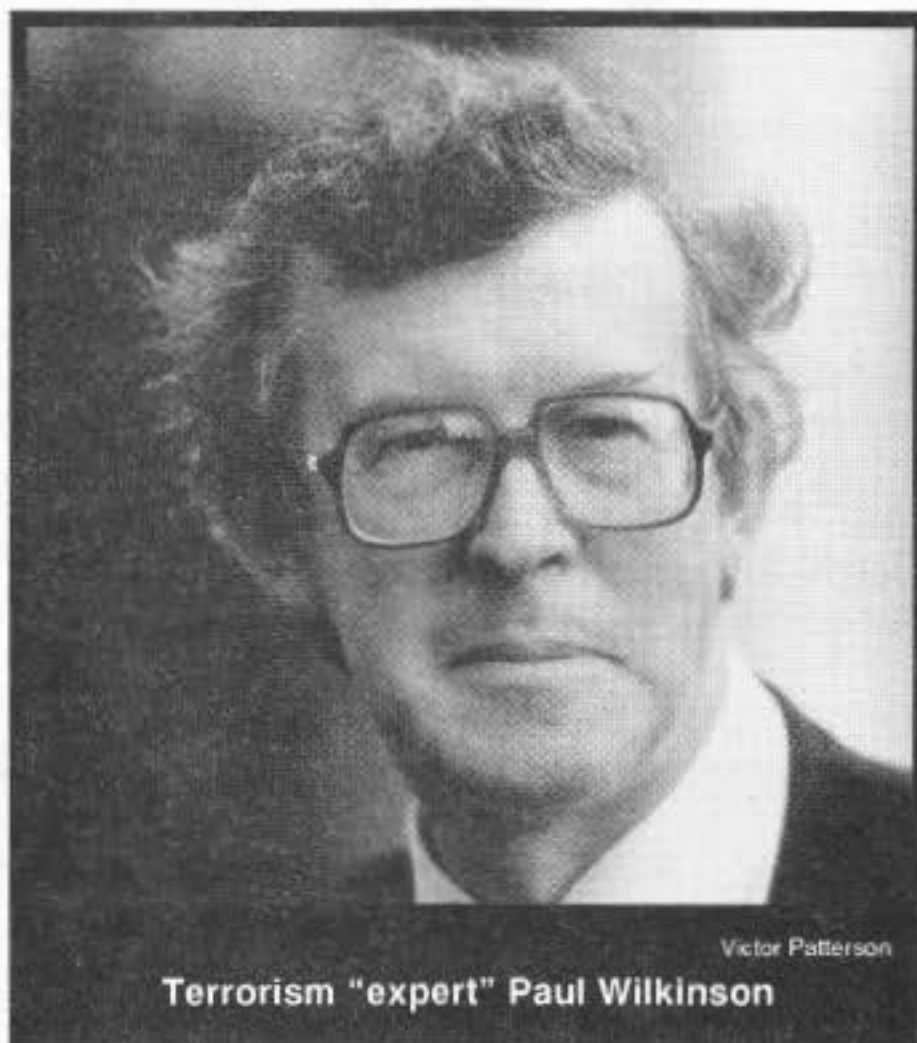
of whom was Judge Einhorn] toward disclosing information to Demjanjuk's counsel was not consistent with the government's obligation to work for justice, rather than for a result that favors its attorneys' preconceived ideas of what the outcome of the legal proceedings should be."¹² The Court of Appeals went on to say that it appeared that the actions of the OSI team were overly responsive to the views of various Jewish groups, including the Anti-Defamation League of B'nai B'rith (ADL) and that the OSI's recklessness occurred under the shadow of pressure from the ADL and other groups.

Enter the ADL. The organization represents a mesclun of legitimate civil rights work, especially anti-Nazi and anti-Klan activities, mixed with a less savory history of aggressive pro-Israeli lobbying and attempts to silence pro-Palestinian voices. Its annual editions of a "Campus Guide to Anti-Zionist Activities" for its college affiliates included lists of potential lecture circuit speakers, Palestinian and Jewish, with political views deemed unacceptable to this "civil rights" organization. The pamphlet suggested ways to keep pro-Palestinian perspectives from being heard on campus, and provided "background" information to bolster the claim that pro-Palestinian views are intrinsically anti-Semitic.

That Judge Einhorn is an activist and committee chair of the Los Angeles ADL did not, however, become an issue until the ADL's connection to the L.A.-8 was discovered.

Since February 1993, the ADL has been the subject of several lawsuits, a threatened criminal indictment, investigation by San Francisco and Los Angeles law enforcement authorities, and enormous public controversy.¹³ The dispute centered on revelations that an ADL operative, on the organization's payroll for 12 years, had collaborated with a San Francisco police officer in spying on the Arab-American community and many progressive activists in California and

(continued on p. 63)



Terrorism "expert" Paul Wilkinson

12. Report of Sixth Circuit Court of Appeals in *Demjanjuk v. Petrovsky*, 1993.
13. See Abdeen Jabara, "Anti-Defamation League: Civil Rights and Wrongs," *CovertAction*, No. 45 (Summer 1993), pp. 28-37 for details of the spying. Subsequently, "[O]n November 15th, ADL came to an agreement with the San Francisco D.A. which resulted in dropping 'any and all claims' against the organization, against Roy Bullock—its alleged contract employee, and any other employees or directors. Under terms of the settlement, ADL agreed not to obtain documents or information illegally, by itself or from third parties acting for ADL. ADL also agrees to pay up to \$75,000 for programs in San Francisco established to fight bigotry and hate crimes." A civil suit against the San Francisco police, the FBI, ADL, and several individuals, brought by a coalition of targeted groups is pending. ("Spy Case Against ADL Dropped by S.F. District Attorney," *The Right to Know & the Freedom to Act*, National Committee Against Repressive Legislation newsletter, January-February 1994, p. 4.)

11. Testimony, May 1987.



Jason Eskenazi/Impact Visuals

Abandoned Stalin-era oil fields in Azerbaijan are now a magnet for speculators, mercenaries, and international intrigue.

U.S. Mercenaries Fight in Azerbaijan

Alexis Rowell

Former members of the U.S. armed forces are being paid millions of dollars to conduct a military training program in Azerbaijan, according to Western diplomatic and oil company sources.¹ The U.S. veterans first surfaced in Azerbaijan in 1991 during the rule of Ayaz Mutalibov, the country's last Communist president. They were part of a U.S. company, MegaOil, which was in Azerbaijan ostensibly to increase the productivity of some of the 1950s-vintage oil wells

dotting the countryside around Baku. Foreign diplomats in the Azeri capital say MegaOil was actually training a private army for Mutalibov. According to a senior U.S. oil company source, MegaOil had links with General Richard Secord, an international arms dealer with long-time ties to the CIA who was deeply involved in the Iran-Contra scandal in the 1980s.² Secord has denied the allegations, but his involvement was confirmed by an executive of Ponder Industries, the company that signed an agreement with MegaOil to provide technical services. The Ponder source, who is still in Azerbaijan, reported that Secord

1. Alexis Rowell is a British journalist based in Tbilisi who reports for the BBC and the *Observer* (London). Unless otherwise noted, all attributions in the article are based on interviews conducted by the author in Armenia, Azerbaijan, and Georgia from fall 1993 through February 1994.

2. Secord was Oliver North's middleman in a CIA covert operation to funnel the proceeds from selling arms to Iran to the right-wing Contras in Nicaragua.

had pulled out of Azerbaijan after an argument with MegaOil president, Gary Best. Ponder split with MegaOil last year, he said, after Best forcibly appropriated Ponder's satellite telephone and computers. "The equipment was then taken to an Azeri Defense Ministry barracks in central Baku where MegaOil have their headquarters," the Ponder employee charged.

Secord visited Azerbaijan in mid-1992, just before President Mutalibov was overthrown. MegaOil's work continued for some time under the subsequent nationalist administration of Abulfaz Elchibey, who was elected president in June 1992. "I met the president of MegaOil [Gary Best] once," said Isa Gamber, then chair of the parliament, but now in opposition. "He hinted that they could do more for Azerbaijan than just oil business. He had army written all over his face." At the time of the meeting, MegaOil's military arm was firmly ensconced in a former holiday camp near Baku, where training was already under way, according to one young Azeri who took part.

The U.S. demanded that the Americans be expelled from Azerbaijan, and President Elchibey acceded to the request. Since then, MegaOil has ceased operations as a registered U.S. company. According to Western oil company and diplomatic sources, its military arm reappeared in Azerbaijan in autumn 1993, when former Azeri Communist Party boss and Brezhnev protégé, Heydar Aliiev, came to power. At the time, Armenian forces were advancing into southwest Azerbaijan.

The U.S. mercenaries are now based in three Azeri army camps — two of which are in central Baku — where they are again conducting a military training program. Until recently,

the press office of the Azeri Defense Ministry was based in one of the Baku bases — the Salyan barracks. Asked what the mercenaries were doing there, press office head Asad Issazade said: "I've often wondered the same thing. I see them walking around, but no one will tell me what they are doing." The official response came the next day: "There are no foreign soldiers in Azerbaijan." Within a week, the press office had been moved out of the Salyan barracks.

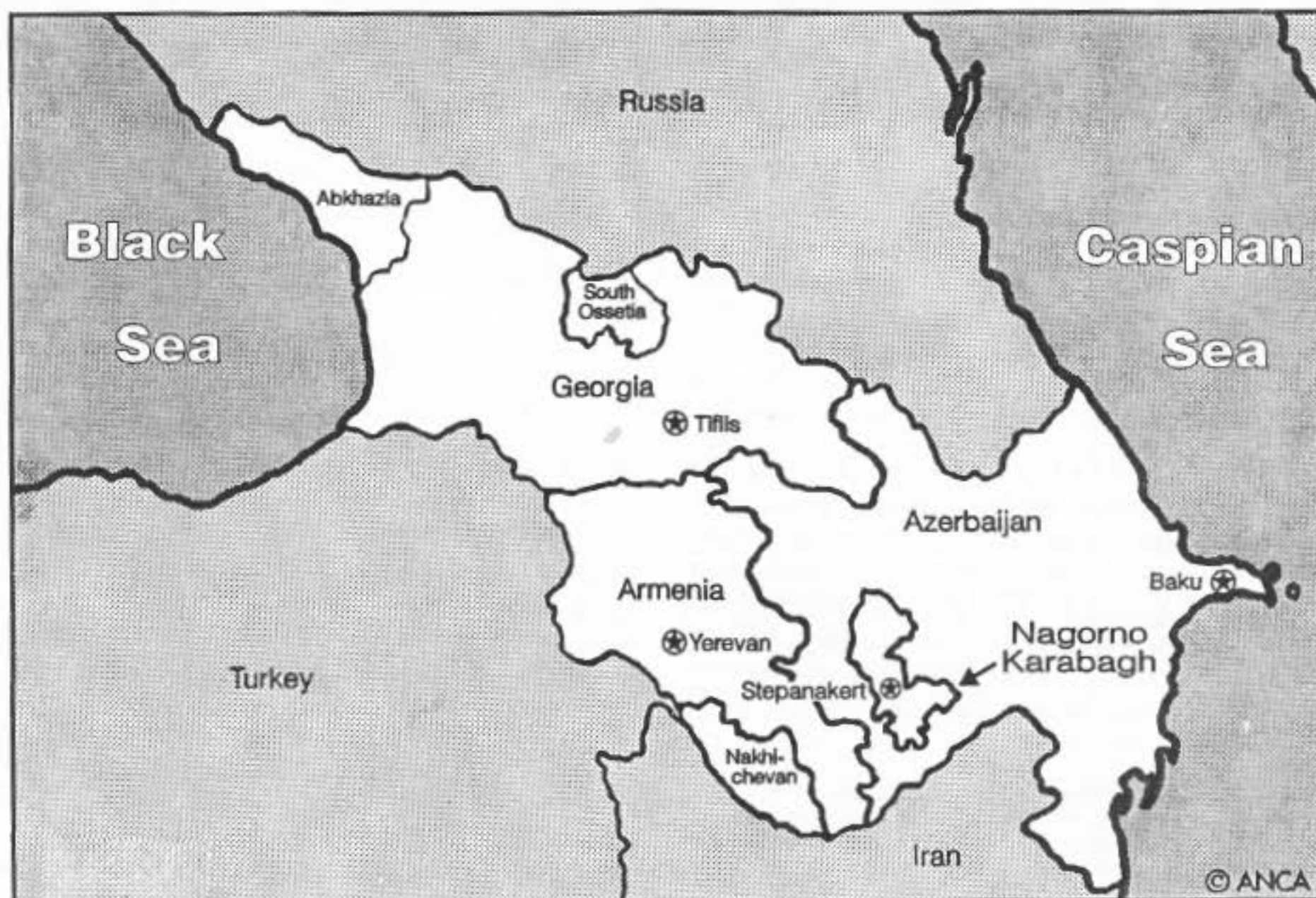
The other camp is in central Azerbaijan, near the town of Hadji Kabul. "There's no road to the camp. You can only get there by jeep or helicopter," said an Azeri who began the training at the site in September. "I was recruited by the Security Ministry. There were three trainers: one teaching strategy, one overseeing shooting practice, the other doing physical training. The equipment was all Azeri."

Diplomats put the total number of American trainers at about a dozen and they suggest that such a small group means that the U.S. veterans are probably training a bodyguard force.³ One Western diplomat claimed the U.S. trainers in Azerbaijan were being paid \$12 million for their work.

Opportunities in the Caucasus

The U.S. veterans are not the only foreign soldiers in Azerbaijan. Although British law prohibits Britons from working as mercenaries, and Azerbaijan is now under a British arms embargo, the British-registered Summit (Consortium) Ltd. is ne-

3. Another report put the number at "20 to 25." Basik Gurdilek, "Teaching War in Baku," Associated Press (datelined Baku), January 24, 1994.





Jason Eskenazi/Impact Visuals

Refugees on a helicopter to Yerevan fleeing daily bombings in Stepanerkert, Karabakh, 1993.

gotiating with the Azeri authorities to send arms and mercenaries to Azerbaijan. Although in early January British diplomats in Baku said London neither had nor desired knowledge of the negotiations, the British Foreign Office has now admitted that it is aware of the deal. The company is circumventing the British arms embargo by operating out of Turkish Cyprus, according to Lord Erskine, a British peer who admits he is involved. Unnamed Turkish sources "close to the Azeri authorities" add that the Azeris are prepared to pay up to \$250 million a year for the men and services, with payment mainly in the form of oil. Privately chartered Russian aircraft are on standby to fly British mercenaries into the area.⁴

Diplomats in the region say there are also Iranian army trainers in the country. Thirteen Iranian army officers and one Mullah had stayed in the Hotel Aspheron in November, according to a hotel employee. The only verification comes from a journalist from Azerbaijan's Turan news agency who claims he visited a camp 30 kilometers west of the Azeri capital.

Meanwhile, in August, up to a thousand Afghan Mujahedeen arrived in Azerbaijan. Their commanders often stay in "The Azerbaijan," one of Baku's main tourist hotels. Diplomats say some of the Mujahedeen were involved in the

fighting for the first time in October, when the Armenians occupied a 100-kilometer long strip of Azeri territory along the Azeri-Iranian border.

The Russians, who officially pulled out of Azerbaijan in May 1993, never went away at all, according to these diplomats. About a hundred paratroop officers are believed to have remained in the former barracks of the Soviet 4th Army in Ganja, Azerbaijan's second city, in western Azerbaijan, where they are thought to be training supporters of the Azeri prime minister, Surat Husseinov. The most commonly suggested reason for the Russian involvement is that elements in the Russian Defense Ministry back Husseinov as a counterweight to Aliiev and to ensure the Azeri president's adherence to Moscow's imperial design.

This writer met a group of soldiers from Kazakhstan in the streets of Barda, just to the northeast of Karabakh, in early February 1994. Both sides in the conflict use mercenaries from the former Soviet armed forces, especially from Russia and Ukraine. Some diaspora Armenians from the U.S., France, and the Middle East fight on the Karabakh Armenian side.

The final element in the Azeri equation, as far as foreign military involvement is concerned, is Turkey. A group of Turkish army officers has been based in an Azeri military camp near Ganja since the pro-Turkish President Elchibey came to power. When he was overthrown, they stopped training for a while, but have now resumed their work, according to a prominent Turkish businessman.

4. Tim Kelsey, "Azeris hire British mercenaries," *The Independent* (London), January 24, 1994. Michael Mates, then Northern Ireland minister responsible for security affairs, named Erskine a "a member of the security services," an allegation the government denies.

MegaOil's Greasy Trail

MegaOil U.S.A./Vista Joint Ventures Inc., as the company is officially known, was incorporated in April 1985. Its officers were listed as Gary Best and his wife, Patricia, working from their address at 90 Cavalry Road, in Marietta, Georgia.¹ In April 1992, Gary Best persuaded Ponder Industries, Inc., an oilfield service company from Alice, Texas, to sign agreements with MegaOil to provide him with technical services in "designated oil fields" in Azerbaijan. By the summer, however, a major oil deal looked remote. Best tried to blame the Azeri government, claiming disagreement over the status of any revenues from oil produced at the various sites.² Brigadier General Harry "Heinie" Aderholt (USAF-Ret.), who brought Secord and Best together, later parted company with Best charging him with "unethical behavior." Aderholt claimed that Best lied to Ponder and other investors when he told them he had signed contracts with the Azerbaijan government.³

In mid-1992, a joint MegaOil-Ponder team visited Baku several times. Secord went along on at least one of these trips. As Best pursued his military interests and his supposed oil deal evaporated, relations between Best and Ponder soured. According to Ponder Vice President and Chief Financial Officer Michael Dupre, "We took on our own investigation to determine if a joint contract existed." Unable to verify Best's claims in April 1993, Ponder announced that its "prior agreements with MegaOil U.S.A./Vista Joint Ventures, Inc. are nullities, due to the absence of any registered or approved joint venture agreements" between them and "any Azerbaijan entity."⁴

Just what MegaOil really does is unclear. A former associate described it somewhat obliquely as having dealt in "windows and commodities." Despite the company's name, until its connection to mercenaries became controversial, neither oil executives nor industry watchdogs had ever heard of MegaOil or Gary Best. He was, however, known for claiming ties with U.S. intelligence services, and, according to Aderholt, his oil well venture was primarily aimed at raising funds to free U.S. POWs and MIAs he claimed were still alive in Vietnam.⁵

Despite Best's spook claims and POW/MIA activism, State Department sources downplay any motive other than profit for MegaOil's mercenary operation: "They're working for whoever will pay the most money."⁶

—Phillip Smith and Louis Wolf

1. MegaOil U.S.A./Vista Joint Ventures, Inc., Georgia corporate record filings, 1992, 1993.

2. Ponder Industries, Inc., *Annual Stockholders Report*, August 31, 1992.

3. Stephen MacSearraigh, "Former High-Ranking Official Not Ensnared in MegaOil's Spider Web in Azerbaijan," *The Oil Daily*, January 5, 1994, pp. 1,4. Aderholt is an ex-Air Force intelligence colonel with expertise in "special warfare techniques." He worked closely with the CIA-connected, Detroit-based World Medical Relief in Southeast Asia and Central America. Aderholt's ties with Secord date back to their Air Force days together, when he was Secord's superior. In 1989, while Secord was under investigation for his role in Iran-Contra, Aderholt set up a *Richard Secord Legal Defense Fund*. He heads the Air Commando Association in Fort Walton Beach, Florida.

4. Mack Ponder, President of Ponder Industries, Inc., Press Release from Baku, Azerbaijan, April 12, 1993.

5. MacSearraigh, *op. cit.*, p. 4.

6. *Ibid.*

Mired in War

But so far, the Mujahedeen, the Iranians, the Turks, the Russians, and the Americans have done little to improve the Azeri war effort. More than anything else, their arrival is a mark of President Aliev's desperate position. Few Azeris seem to want to fight against the Armenians, who now control about a fifth of Azerbaijan and have displaced from their homes over three-quarters of a million Azeri civilians.⁵

Much of Azeri military incompetence arises from the fact that it had few officers in the Soviet armed forces, and those it did have were in logistics. The new Azeri defense minister has, at first sight, impressive credentials: He was a Major General in the Soviet army and deputy commander of the Leningrad military district — transport division. "And he can't even organize that," groans one senior foreign diplomat.

The Russians could almost certainly do more to help — if they wanted to. Aliev has already taken Azerbaijan into the Russian-dominated CIS, but he has not yet agreed to the deployment of Russian troops on Azerbaijan's borders with Turkey and Iran, or to the creation of Russian bases in his country. The Russian defense minister, General Pavel Grachev, made it clear while in neighboring Georgia with Boris Yeltsin, that he wanted

In a desperate effort to gain political capital and some breathing space, since mid-December Aliev has thrown waves of young Azeris into the conflict over Nagorno-Karabakh.

to establish military bases throughout the Transcaucasus. Only Azerbaijan has not yet publicly accepted the Russian "request."

Aliev is dealing with anyone he thinks can keep the Russians from making him a puppet leader or replacing him. But Iran and Turkey are too afraid of Russia to be much help, and the Western oil companies interested in the area have yet to persuade their governments that the West's strategic concerns should coincide with their particular corporate objectives.⁶

5. Bill Frelick, "Faultline of Nationality Conflicts: Refugees, Displaced Persons from Armenia and Azerbaijan," U.S. Committee for Refugees, March 1994, p. 25.

6. A consortium of eight oil companies led by British Petroleum is negotiating a \$7 billion deal with the Azeri government for drilling rights in the Caspian Sea. The other consortium members are the U.S. companies Amoco, Unocal, Pennzoil, and McDermott Inc.; as well Statoil (Norway), Ramco (Britain), and the Turkish state oil company TPAO. Stephen MacSearraigh, "MegaOil Staffed With U.S. Mercenaries to Train Azeri Soldiers," *The Oil Daily*, December 28, 1993, pp. 1,4.



Shahe Madenian

Shahumian, formerly Armenia, now incorporated into Azerbaijan.

In a desperate effort to gain political capital and some breathing space, since mid-December Aliev has thrown waves of young Azeris into the conflict over Nagorno-Karabakh. According to aid workers, thousands of young conscripts have lost their lives. Furthermore, the Azeri winter offensive has bogged down after having retaken only one of the string of towns outside Karabakh that the Armenians captured and razed last year.

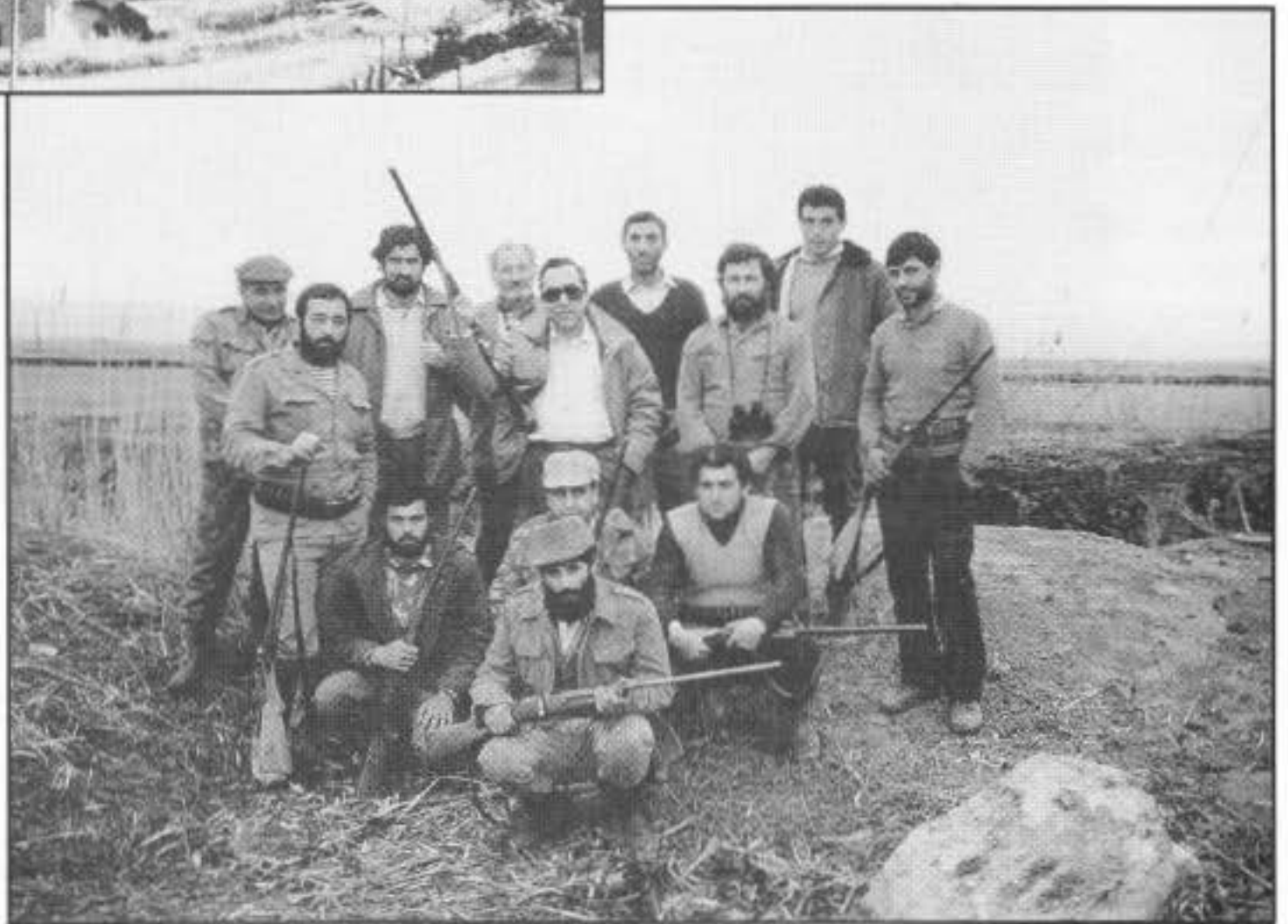
Many of the Azeris killed were unwilling young conscripts who were press-ganged into training camps around Azerbaijan last summer and autumn. In late November 1993, this writer watched as hundreds of young Azeris shambled out of the Prekeshku camp some 40 kilometers west of Baku, split into two large groups, and charged at each other across a muddy patch of flat wasteland. The present offensive apparently has the same lack of tactical sophistication.

Because of official censorship, there is little or no reporting here of the heavy Azeri losses. But there are an increasing number of funerals. New graves, draped with Azeri flags, appear every day in the martyrs' cemetery outside the parliament in Baku. People know a high price is being paid. The general feeling, however, is that the tide has turned and that at last the Azeris are winning.

When or if the Armenians manage to regain the military initiative — with or without Russian help — Azerbaijan

could easily disintegrate. The Armenians already control nearly a fifth of Azerbaijan's territory, and it may be only a matter of time before President Aliev, like Edvard Shevardnadze, has to accede to everything General Grachev wants.

Aliev himself admits that neither UN nor European initiatives will stop the Armenians from taking more land. "Only Moscow can do that," he said last November. The Armenians agree. A senior government minister in Yerevan, the Armenian capital, said last July that they were "not at all worried by the Turks or Iranians — only by the possibility that Russia will actively side with the Azeris."



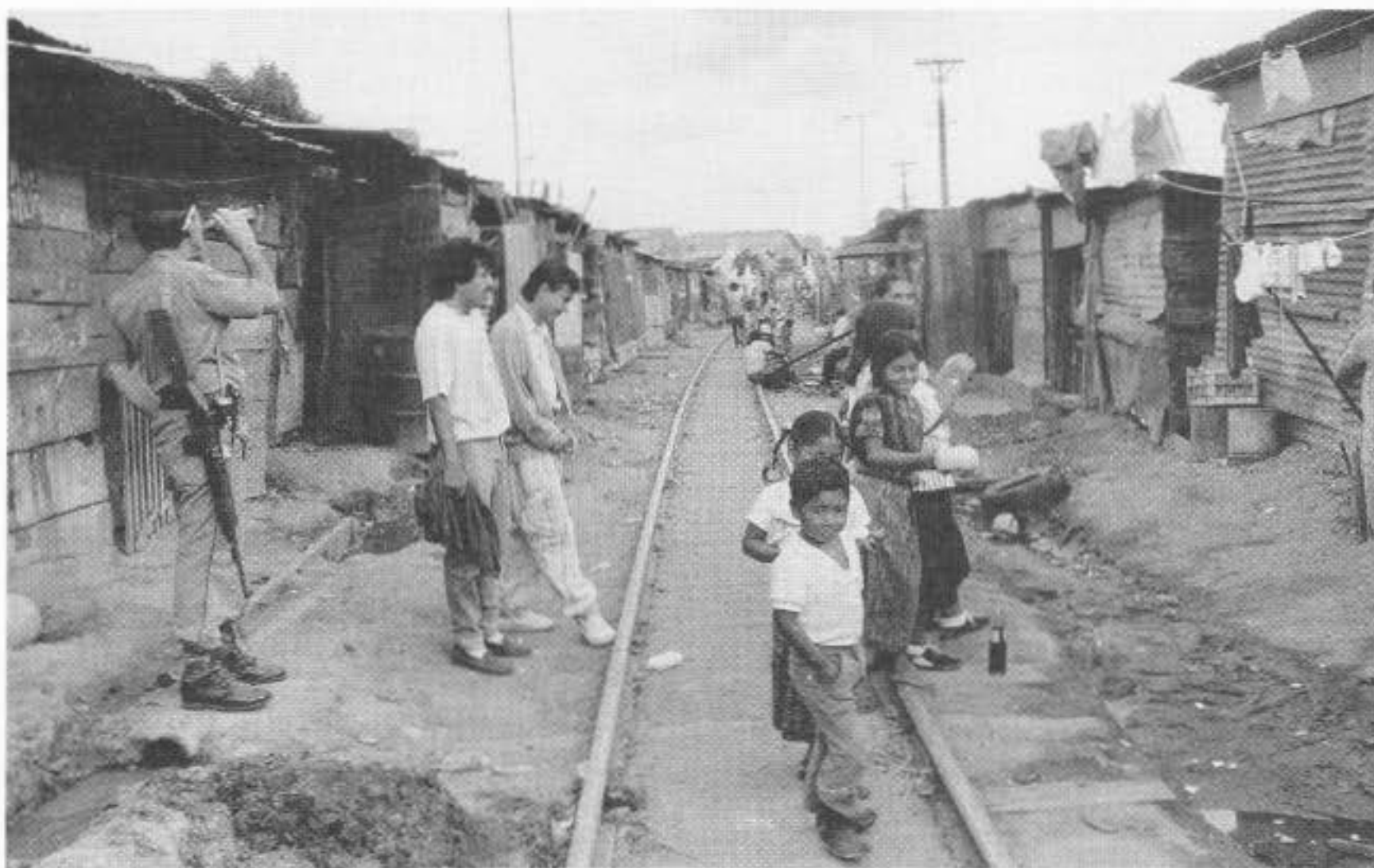
Anoush Ter Tautilian

Armenian self-defense fighters armed with hunting rifles.

The official reason for the continued Armenian offensives out of Karabakh and into Azerbaijan proper is "self-defense." The Karabakh Armenians view Azeri artillery positions outside the disputed territory as legitimate targets. But it is highly unlikely that any Armenian offensive is undertaken without a green light from Moscow.

For the moment, Russian and Armenian interests coincide. But the mixture of oil, nationalism, and Russian imperial designs on the fringes of the former Soviet Union is highly unstable. The volatile situation in Azerbaijan and Armenia provides abundant opportunities for specialists in war and war-time profiteering. Armed with dollars and guns, the mercenaries of MegaOil and their ilk are prepared to take full advantage.

Guatemala's Gross National Products: Cocadollars, Repression, and Disinformation



Terry Allen

As cocadollars fuel a construction boom in Guatemala City, a decades-old squatter community nearby survives without running water or sewers. Meanwhile, the government still blames unrest on a guerrilla movement run by an international communist conspiracy.

Frank Smyth

In the early 1980s, leftist guerrillas in Guatemala blew up bridges, ambushed army convoys, and attacked military outposts. A decade later, the fighting in Guatemala's civil war is winding down. Combat between the government and the guerrillas now occurs in only a few departments and only a few times each year. But political violence, almost exclusively by the government, continues. Even the U.S. State Department reported in 1991 that the "military, civil patrols and the police continued to commit a majority of the major human rights abuses, including extrajudicial killings, torture and disappearances."¹

Frank Smyth, a freelance journalist, is the author of "Fleeing Guatemala," "Guatemala army runs narcotics to the U.S.," and "A New Kingdom of Cocaine" in *Automobile Magazine*, the *Sacramento Bee* and the *Washington Post*, respectively.

1. "U.S. State Department Human Rights Report, Guatemala 1991," U.S. Embassy, January 1992.

The Guatemalan counterinsurgency campaign was conceived with the support of U.S. counterinsurgency experts such as Caesar Sereseres and Colonel George Minas. Sereseres has served as both a consultant to the Rand Corporation and a Central America expert in the State Department's Office of Policy Planning.² Today, Guatemalan army officers still describe him as "someone who understands our situation."³ Minas served as a U.S. military attache in Guatemala in the early 1980s.⁴ Both encouraged Guatemala's population control strategy, involving the use of Vietnam-style military-controlled "strategic hamlets" and civilian defense patrols.

2. See Caesar Sereseres, "The Guatemalan Legacy: Radical Challenges and Military Politics," *Report on Guatemala*, SAIS Papers in International Affairs, No. 7, 1985, Johns Hopkins University, Washington, D.C., pp. 17-49.

3. Author's first interview with Captain Yon Rivera of the Guatemalan army's Department of Information and Dissemination, November 5, 1992.

4. George Black, *Garrison Guatemala* (New York: Monthly Review Press, 1984).

The strategy of control was also characterized by a litany of human rights crimes that stand out not only in the region but in the world.⁵ The violence was so severe in the early 1980s in Nobel Laureate Rigoberta Menchú's home department of Quiché, to cite but one example, that the entire Catholic archdiocese shut down and withdrew, with all its priests, nuns, catechists, and many parishioners. The situation there and in other departments by 1982 led Guatemala's Conference of Catholic Bishops to conclude: "Not even the lives of old people, pregnant women or innocent children were respected. Never in our history has it come to such grave extremes."⁶

Reaping the Benefits of Stability

Not everyone suffered. Guatemalan army spokesmen openly point out that the carnage has given Guatemala a level of national stability it lacked earlier in the war,⁷ and made the country comparatively more stable than El Salvador, Honduras, or even Mexico. With the military firmly in charge, and the civilian government largely irrelevant, foreign investment has climbed. Low wages have attracted Asian firms wanting to set up sweatshops, as well as European and U.S. tourists.

It has also attracted the network of cocaine traffickers based in the Colombian city of Cali. The cartel picked Guatemala "because it is near Mexico, which is an obvious entrance point to the U.S., and because the Mexicans have a long established and well organized mafia," said a Latin America drug enforcement expert. "It is also a better transit and storage country than El Salvador because it offers more stability and was easier to control."⁸

The Guatemalan Connection

In the 1980s, Guatemala was an insignificant player in the cocaine trade. Today, however, Guatemala is the largest Central American *bodega* or warehouse for cocaine transshipments to the U.S., and ranks behind only Mexico and, perhaps, the Bahamas in transshipping cocaine to the U.S.⁹ Analysts at the Drug Enforcement Administration (DEA) and the State Department's Bureau of International Narcotics Matters (INM) now

estimate that between 50 and 75 metric tons of cocaine are shipped through Guatemala each year. (In comparison, the same experts estimate that before the present embargo, between 6 and 12 metric tons a year passed through Haiti.) Mexico and Guatemala, which share a common frontier, together move at least two-thirds of the cocaine now reaching the U.S.¹⁰

Guatemala's booming cocaine trade now distorts the Guatemalan economy, drawing local businesses into a web of cocadollars and fostering corruption in both business and the military. The Cali cartel and its Guatemalan partners are trafficking cocaine that, at the wholesale price of \$15,000 a kilogram, is worth as much as one billion dollars a year — or one-tenth of Guatemala's entire GNP.¹¹

Evidence of the cash flow generated by the cocaine trade is abundant: Real estate prices in Guatemala City, by conservative estimates, rose over 350 percent in just three years,

while inflation dropped from 60 to 14 percent over the same period. Even more illicit funds appear to be channeled into the construction industry, which has grown steadily at a rate four times faster than the rest of the economy. While other Central American capital cities only seem to deteriorate, Guatemala City's skyline continues to expand — even though the newly constructed buildings still have ample vacant office space.

The situation became so unnerving by November 1992 that a group of local exporters organized an unprecedented conference: how to detect whether their export products

are being used to run drugs. They held the conference seven months after 6.7 tons of cocaine—enough to supply the total U.S. demand for a week—was discovered in cases of frozen broccoli shipped to Miami. Even these business leaders concede that, in a sluggish global economy with many export markets depressed, the profits available from cocaine trafficking can be extremely tempting.¹² Newspaper editors say that the cocaine trade in Guatemala has been able to buy out entire businesses as well as institutions.¹³ But although everybody in Guatemala seems to know about it, hardly anybody is willing, publicly, to say even a word.

"The military guys who do this are like serial killers. They got away with it once, so they think they'll always get away with it. If Jeffrey Dahmer had been in Guatemala, he would be a general by now."

— forensic anthropologist Clyde Snow

5. See the body of reports by London-based Amnesty International and New York-based Americas Watch from the 1980s, and U.S. State Department Human Rights Reports in the 1990s.

6. Quoted in Jim Handy, *Gift of the Devil* (Toronto: Between the Lines, 1984), p. 255.

7. Author's first interview with Capt. Jon Rivera, November 5, 1992.

8. Transcript of interview with Latin America drug expert who requested anonymity, Washington, D.C., November 11, 1992.

9. See Drug Enforcement Administration, Justice Department, *Worldwide Cocaine Situation: Drug Intelligence Report*, October 1993.

10. Author's interviews with INM and DEA officials in November and December 1993.

11. U.S. experts' median estimate of 62.5 metric tons a year, at \$15,000 per kilogram (which is a low price, according to DEA figures), comes to \$937.5 million. This is the value of the cocaine upon delivery to the U.S.

12. Author's interview with Guatemalan exporters who requested anonymity, Guatemala City, November 1992.

13. Author's interview with a leading newspaper editor who requested anonymity, Guatemala City, November 1992.



David Maung/Impact Visuals

Former President Serrano, speaking with businessmen's club, *Amigos del Pais*, failed to control rights abuses or drug trafficking by the Guatemalan army.

Placing the Blame

Off the record, Western diplomats, leading entrepreneurs, church officials and others all charge that senior Guatemalan army officers are deeply involved in the cocaine traffic. Although not even one military official has yet to be prosecuted in either Guatemala or the U.S., 10 military officers and 20 paramilitaries under them have already been indicted or implicated. They include:

- Ex-Lt. Colonel Carlos Ochoa Ruiz and two army captains, all of whom were caught in a DEA sting back in 1990, smuggling a half metric ton of cocaine, worth \$7.5 million wholesale, to Tampa, Florida.¹⁴
- A retired Guatemalan Air Force captain who owned a safe house outside Antigua where the DEA found 2.8 metric tons of cocaine.¹⁵
- Four army colonels, a major, a captain and 20 army-appointed civilian commissioners in Los Amates in eastern Guatemala, who are accused — in legal testimony by survivors

14. On October 19, 1990, the half metric ton of cocaine was transported from Esquintla, Guatemala to Tampa, Florida, according to the DEA. Ochoa was later indicted by a grand jury in U.S. Middle District Court in Tampa, where he remains charged. For the same crime, Ochoa and the two army captains were also charged in a Guatemalan court. Since 1990, Guatemalan civilian and military courts have denied three separate State Department requests for Ochoa's extradition, while the legal process against them in Guatemala appears permanently stalled. Although the Guatemalan army later discharged all three officers over this case, the same military's court ruled a year ago to dismiss all proceedings against them, including the U.S. extradition request, for "lack of evidence."

15. Answer to author's query by Joyce A. McDonald, Public Affairs Specialist, Drug Enforcement Administration, Department of Justice, February 8, 1993.

— of having ordered the separate murders of nine peasants, and the torture and abuse of many more.¹⁶

The Los Amates survivors charge that the army drove them off their land to build runways to smuggle drugs. One of the military commissioners they name, Arnaldo Vargas Estrada, was later extradited to Brooklyn, New York, where he will be tried for smuggling several tons of cocaine a month by tractor trailers to the U.S.¹⁷

Shifting the Blame

The Guatemalan army's office of Information and Dissemination, on the other hand, counters that leftist guerrillas of the Guatemalan National Revolutionary Unity (URNG) are responsible. Not one guerrilla or political opponent of the Guatemalan government has been either charged or indicted. Yet the Guatemalan army maintains that they should be.

Its Department of Information and Dissemination has a manila envelope, marked with an official stamp "SECRETO," which

spokesmen are eager to show to journalists upon request. The documents describe an alleged anti-drug operation high up in Guatemala's northern Peten jungle, where the URNG guerrillas were once strong. According to the documents, in July 1991 a Treasury Police unit engaged in combat with guerrillas discovered a small plane with Colombian registration. Included in the file is a photograph of a white male wearing a baseball cap with the letters, in place of a ball team, DEA. He is standing over the plane's cargo — stacked brown paper-wrapped packages—and holding up a flag with the initials FAR — the acronym for one of three wings of the URNG.¹⁸

For reasons still unexplained, the Army waited 16 months until November 1992 to release the secret file, the color Polaroids, and an army-produced video of the alleged raid.¹⁹

The video begins with members of the Treasury Police running single file up to a line of trees, and firing automatic weapons in sequence at an unseen enemy. Later, these armed

16. Los Amates complaints filed under case file 373-89C, Procurador de Los Derechos Humanos, Ciudad de Guatemala.

17. Grand Jury Indictment of U.S. Eastern District of New York, C. #900.0777, GC 419.0, and answer to author's query, *op. cit.* Also see Frank Smyth, "Guatemala army runs narcotics to the U.S.," *Sacramento Bee*, October 3, 1993, p. 1, and "A New Kingdom of Cocaine," *Washington Post*, December 26, 1993, p. C4.

18. Author's second interview with Yon Rivera on November 5, 1992.

19. This package was first seen by journalists on November 5, 1992. The film was later aired by several Guatemalan TV stations. Western diplomats have recorded copies on file.

soldiers are seen around a small plane and the brown packages. The film then zeros in on the Polaroid of the white male wearing the baseball cap with the letters DEA. When asked whether this man with the DEA baseball cap was a DEA agent, army spokesman Captain Yon Rivera said, "Look at it. You can see for yourself." When asked why the DEA hasn't said anything about the guerrillas running cocaine, spokesman Yon Rivera, commonly identified in local newspapers as "The Voice of the Armed Forces" said: "The DEA has not accused the guerrillas for this. I don't know why they don't want to say it."²⁰

U.S. Embassy officials in Guatemala City declined comment. When asked about the raid, Joyce McDonald at DEA headquarters in Washington faxed a description of the raid, the video, and the man with the DEA baseball cap to the DEA Field Division in Guatemala City. That office faxed back a brief response: "DEA is unfamiliar with the film or scenario described above."²¹

Blaming the guerrillas is not without a certain irony. The same army spokesmen who claim the guerrillas are running tons of cocaine boast in the same breath how the guerrillas are militarily defeated. The army estimates that there are fewer than 500 full-time guerrilla combatants left.²² Yet, the army fails to explain how a mere 500 stragglers — under pressure just to stay alive, let alone fight — could be responsible for receiving, storing and transshipping the bulk of Guatemala's flow of cocaine.

The Army and the Press

Although the charge that the guerrillas are behind the cocaine traffic is, on the face of it, without basis, it is regularly reported as fact throughout Guatemala. The Guatemalan army's ability to manipulate the press is yet another violent legacy of its past. After seeing more of their colleagues killed or disappeared than in any other country in Central America (and that is saying a lot),²³ Guatemalan journalists rarely challenge anything the



Rick Reinhard

Nobel laureate Rigoberta Menchú and activist Frank La Rue, targeted by military as part of the communist conspiracy.

military says. No matter how broad or baseless, the military's allegations are still regularly reported in Guatemalan daily newspapers, radio, and television reports—in most cases, without a word of qualification. And regionally based foreign journalists have simply ignored the military's accusations, if they've bothered to report on Guatemala at all.

As a result, neither Guatemala's nine million citizens (most of whom, like the peasants in Mexico's Chiapas, are of Mayan descent), nor North American consumers of news about Guatemala are well served. Guatemalan citizens have been saturated with the view that their tiny country is the victim of a global communist conspiracy that endures despite the end of the Cold War. And countless Guatemalans, especially among the whiter, wealthier members of its population, very much do believe it. "This is a war here," said one such businessman, "between the country and those who want to destroy it, the guerrillas."²⁴ Meanwhile, North American readers have been insulated from the most outlandish of Guatemalan officials' accusations, and their—by any post-Cold War standard—extreme world view. The failure of the U.S. press to adequately report on Guatemala is one reason why the Clinton administration enjoys warm relations with Guatemala despite its authoritarian past and present.

20. Author's second interview with Capt. Yon Rivera, November 5, 1992.

21. Answer to author's query by McDonald, *op. cit.*

22. The actual number of full-time guerrilla combatants left in Guatemala is open to debate. The URNG publicly claims to have 3,000 full-time combatants, while its supporters pull journalists aside and whisper that there are really about 900. In 1991, the U.S. Embassy estimated fewer than 1,200 guerrillas. By late 1992, following a series of guerrilla defeats, the Guatemalan army claimed fewer than 500 guerrilla fighters remained. On February 26, 1993 at Casa Nicaragua in New York, URNG representative Hugo Orozco failed to refute these numbers.

23. Over 50 journalists have been killed or disappeared in Guatemala since the

late 1970s, according to the New York-based Committee to Protect Journalists' consultant Joel Solomon. A total of 19 journalists died during the Salvadoran civil war, according to the Salvador Press Corps Association. The author is a former elected representative of the association.

24. Author's interview with a representative of GEXPRONT, a non-traditional exporters association based in Guatemala City, November 6, 1992.

Killing the People You Love

Attacking journalists is one way to keep them quiet. Beating, torturing, and killing the people they love is another. This year brought Guatemala more of the latter:

- The wife and stepdaughter of Marco Vinicio Mejía disappeared on January 23, 1994. Their tortured corpses were found three days later. Vinicio Mejía, a columnist for *Tinamit*, Guatemala's leading opposition publication, had himself been the target of both acts of intimidation and death threats.
- Marquense Oliverio Muñoz Barrios was stabbed to death by unidentified men in his home on February 4, 1994. Muñoz, respected for his candor, was director of the National Radio of San Marcos.
- A bomb exploded at the home of Adolfo Barrera Ortiz on February 18, 1994, while his four children were inside. It had been left by several unidentified men driving a double-cab pickup truck. Barrera is the director of the ACEN-SiAG news agency, formerly run by his brother, who left Guatemala in 1990 after an attack on him and his wife in which she was killed.
- The editor of *Nuestro Tiempo*, Hugo Arce, and his 22-year-old nephew, Francisco Arce, who works as a distributor of the magazine, were both arbitrarily arrested by uniformed police on February 21, 1994. Francisco Arce suffered broken ribs, kidney complications, bruises, swollen arms and legs, and could hardly walk.

Sources: Central America Centre for the Protection of Journalists and Freedom of Expression in San José, Costa Rica; the Committee to Protect Journalists in New York; and PEN American Center in New York.

The Guatemalan army maintains that the URNG guerrillas have compensated for their battlefield losses by shifting their resources to a "political warfare" campaign. While the guerrillas are poor military commanders, say Guatemalan army representatives, they are "brilliant manipulators of world opinion."²⁵ The army claims that the guerrillas' propaganda campaign is not only successful but has managed to either manipulate or control individuals, organizations, publications, and even governments.

In August 1992, *Newsweek* ran a story, "Subtle Clues in Shallow Graves: Uncovering evidence of massacres in Gua-

temala."²⁶ In response, then Guatemalan Minister of Defense José García Samayoa threatened to press charges against *Newsweek* and respected forensic anthropologist Clyde Snow, who conducted the investigation. The General said, "It worries us to see how foreign interference in this case has grown in dimension, injuring...the independence and sovereignty of Guatemalans."²⁷

International authority Clyde Snow, who has examined cadavers in Kurdistan, Chile, Argentina, and most recently Mexico's Chiapas, has harsh words for the Guatemalan army: "The military guys who do this are like serial killers. They got away with it once, so they think they'll always get away with it. If Jeffrey Dahmer had been in Guatemala, he would be a general by now."²⁸ Around the same time, indigenous leader Rigoberta Menchú, from Guatemala's most war-torn department of Quiché, was a candidate for the Nobel Peace Prize. Then army spokesman Yon Rivera was not impressed: "The only thing Miss Menchú has done abroad is create a very bad image of our country."²⁹ After she won the prize, Rivera charged that Guatemala had been the victim of a global "political warfare" campaign, but he didn't know whether it was a case of direct infiltration. At the very least, he charged, the Nobel committee itself had been, somehow, unduly influenced by the URNG.³⁰

The Guatemalan army has accused the U.S. of participating in the "political warfare" as well. By 1991, congressional critics had helped persuade the Bush administration to cut military aid to Guatemala, which it did partly over the murder of an American innkeeper, Michael Devine.³¹ That led the Guatemalan army to claim that the U.S. government itself had been unduly influenced by the URNG. According to the army's Department of Information and Dissemination, members of the U.S. Congress and the State Department have been, respectively, conspirators and dupes. "There is a U.S. congressman who has on his staff a member of the URNG," spokesman Rivera said in an interview, although Rivera could remember neither the congressman nor his staff member's name. But one name he could recall was that of Frank LaRue, whose activities Rivera said proves his point. According to Rivera, LaRue is a lobbyist for the URNG, who enjoys undue influence in the State Department. "He has an open door," said Rivera, nodding his head. "He has the key."³²

LaRue made the Guatemalan national stage over a decade ago when he defended Coca-Cola workers in a bitter strike in Guatemala City, after which he went into political exile until 1994, when he returned briefly to Guatemala. While in

26. Tim Padgett, *Newsweek*, August 31, 1992 (only in Latin American edition), p. 9.

27. "Guatemalan Army threatens action against exhumations," Reuters, Guatemala City, September 8, 1992.

28. Padgett, *op. cit.*; and telephone interview, February 28, 1994.

29. "Rigoberta Menchú no merece el Premio Nobel de la Paz," *Prensa Libre*, (Guatemala City), October 16, 1992.

30. Author's first interview with Capt. Yon Rivera.

31. See the Human Rights Project Delegation Report on Guatemala, signed by Sen. James Jeffords (R-Ver.) and Rep. James McDermott (D-Wash.), Washington, D.C., December 1991.

32. Author's first interview with Capt. Yon Rivera, November 5, 1992.

25. Author's first interview with Captain Yon Rivera, November 5, 1992.

the U.S., LaRue was a well-known activist in the Guatemalan opposition movement, and continued to work on labor and human rights issues in Guatemala through the privately-funded Center for Human Rights Legal Action in Washington, D.C. It was in this capacity that he was invited to the State Department for meetings with Guatemalan army representatives to discuss issues of military justice and human rights.

U.S. journalists who criticize the military are also accused of being part of the conspiracy. After the *Washington Post* published an article by the author about the Cali cartel and the Guatemalan army on December 26, 1993, the Army's Department of Information and Dissemination held a press conference the following day to respond: "Members of the Department of Information and Dissemination of the Guatemalan Army reiterated that 'there exists a campaign against the prestige of the government and the armed forces on the part of groups that seek to satisfy their own interests by creating a negative image of the country and the democratic process that we live in.'"³³

From the Questionable to the Ridiculous

Indeed, according to the Guatemalan army, this campaign against the prestige of the government and armed forces is one of the broadest in the history of the Cold War, which, it maintains, has yet to end. And, if the Guatemalan military is to be believed, the propaganda campaign has extended its tentacles to some very unlikely places. In January 1993, the army "uncovered" a conspiracy involving an entertainment establishment, a local television station and U.S. Secret Service agents attached to United Nations dignitaries visiting New York.

Guatemala's then formal head of state, President Jorge Serrano (who last May failed to survive his own Fujimori-style self-coup), was on an official trip to the United Nations. Although the visit coincided with President Clinton's inauguration, the Guatemalan leader was not invited. After Serrano spoke to the U.N. General Assembly, blaming Guatemala's leftist guerrillas for much of his country's problems, he went for a drink at Stringfellows of NY, Ltd. in the posh Gramercy Park neighborhood of lower Manhattan.

The Guatemalan leader found a table facing a stage with naked, dancing women. A local free-lance cameraman happened to be having a drink and watching the show too.



Terry Allen

Despite repression targeting them, members of Guatemala's indigenous community protest government policies.

The next day at 6:00 p.m., WNBC-TV's "News 4 New York" aired an exclusive report. It captured the Guatemalan leader trying to hide his face behind a white ski parka and hood, while exiting the club and entering the back seat of his waiting limousine. In addition to close-ups of the President's face, viewers saw his armed U.S. Secret Service escorts as well as his entire diplomatic motorcade. After running the tape, the news anchor added that President Serrano is an outspoken born-again, evangelical Christian.

"News 4 New York" aired the report again at 11:00 p.m. But in the later broadcast, the anchor included President Serrano's official response. He blamed his capture on film at the "go go" bar on "manipulation" by Guatemala's leftist guerrillas.

Spokespersons for "News 4 New York," Stringfellows of NY, Ltd., and the Secret Service were all, at first, incredulous and then offended. All deny the charge.³⁴

What the Guatemalan army fails to realize is that the more it blames leftist guerrillas for its problems, the more isolated it becomes. During the Cold War, Guatemala was already a pariah regime within the world community. But with changes and reforms now taking place or on the horizon in places as troubled as South Africa, the Middle East, and Northern Ireland, continuing Guatemalan political violence, cocaine trafficking, and military impunity leave that country more alone than ever.

33. "Guatemala conexión para el narcotráfico," *El Grafico*, December 28, 1993.

34. Author's telephone interviews with reporter David Brodie, "News 4 New York," WNBC-TV, New York; counsel for Stringfellows of NY, Ltd, New York; and a Public Affairs officer, Secret Service, New York; respectively, in January and February 1993.

The Voice of the Zapatistas

We have nothing to lose, absolutely nothing, no decent roof over our heads, no land, no work, poor health, no food, no education, no right to freely and democratically choose our leaders, no independence from foreign interests, and no justice for ourselves and our children. But we say enough is enough! We are the descendants of those who truly built this nation, we are the millions of dispossessed, and we call upon all our brethren to join our crusade, the only option to avoid dying of starvation! We are addressing ourselves to you directly to tell you that the Mexican federal government is using the economic and military aid that it receives from the people and the government of the United States of North America to massacre the indigenous people of Chiapas.

— Zapatista National Liberation Army Declaration of Lacandon, 1993.

We ask whether the U. S. Congress and the people of the United States of North America approved this military and economic aid to fight drug traffic or to assassinate the Indians of southeast Mexico. Troops, airplanes, helicopters, radar, communications equipment, arms and military paraphernalia are being used now not to fight drug traders and the big *capos* of the drug mafias, but to repress the just struggles of the people of Mexico and of the Indians of Chiapas in the southeastern part of our country, and to assassinate men, women and innocent children.

We do not receive any aid from any foreign government, individual or organization. We have nothing to do with drug traffic or with national and international terrorism. We have organized ourselves voluntarily and our organization has its own life, because of our great needs and problems. We are tired of so many years of deception and death. It is our right to fight in order to have life with dignity. At every moment we have observed the international laws of war and have respected the civilian population.

With the help that you the people and the government of North America have given to the Mexican federal government, you are staining your hands with Indian blood. Our dream and desire is that of all the people of the world: true liberty and democracy. And for this dream we are willing to give our lives. Do not stain your hands with our blood by allowing yourselves to be the accomplices of the Mexican government.

—The Underground Revolutionary Indian Committee. General Command of the Ejército Zapatista de Liberación Nacional, Mexico, January 1994

A Rebellion Born



The Voice of Su

San Cristóbal, Mexico: *Subcomandante Marcos is one of the few guerrillas in San Cristóbal who has his face covered and is armed with a machine gun. As he speaks, he takes a pipe from his watch pocket, places it in his mouth through the opening in his mask, but doesn't light it. He expresses himself with the clarity of an intellectual used to communicating with less educated people. He is clearly Mexican, but it is impossible to place his accent.*

L'Unita: Comandante Marcos, you took San Cristóbal on January 1st. But who are you people?

Marcos: We form part of the Zapatista Army of National Liberation (EZLN), and we demand the resignation of the federal government and the formation of a new transition government to convoke free and democratic elections for August 1994. We demand that the principal demands of the peasants of Chiapas be resolved: Bread, health, education, autonomy, and peace. The Indians have always lived in a state of war because until today there has always been a state of war against them, while now it will be for both Indians and whites. In any case, we have the opportunity to die fighting and not of dysentery, which is how the Indians of Chiapas normally die.

This interview is reprinted with permission from *L'Unita* (Rome, Italy), January 4, 1994.

in the Mountains



Cuartoscuro/Impact Visuals

Comandante Marcos

L'Unita: Are you part of some peasant political organization?

Marcos: We have no relation with any type of above-ground organization. Our organization is exclusively clandestine and armed.

L'Unita: It was born from nothing; that is, improvised?

Marcos: We are not an improvised movement; we have been preparing in the mountains for ten years. We have matured, thought, learned, and we have arrived at this decision.

L'Unita: Is there racial and ethnic content in your demands?

Marcos: The Directing Committee is formed of Tzotzil, Tzeltal, Chol, Tojolabal, Mam, and Zoque Indians, the principal ethnic groups of Chiapas. All of them are in agreement, and besides democracy and representation, they demanded respect, respect that the whites have never given them. Especially in San Cristóbal, the "coletos" [citizens of San Cristóbal] are very insulting and discriminatory with respect to the Indians in daily life. Now the whites respect the Indians, because they come with guns in hand.

L'Unita: What do you think the government's reaction will be now?

Marcos: We don't worry ourselves about the (continued next page)

The Voice of the Zapatistas

Neither you, the mediator, nor the commissioner, nor even our own selves, could attain peace and even less the socio-political changes which are urgently needed in the region. The solution to the Chiapas conflict does not depend on the will of a handful of people. In order to attain peace the legitimate opinions and interests of the civil society and of political forces, government decisions, the interests of Chiapas, and all the interests of the various states that make up the Mexican Republic must also be taken into account.

Violence has already cost a great deal. A serious and quick political solution today is compatible with increased democracy throughout the country, full political liberty, and greater justice for indigenous communities.

—San Cristóbal, January 29, 1994, General Command of the EZLN

The thing is, we do not see the armed road in the classic way of the old guerrilla armies — the armed struggle as a single path, a single all-powerful truth around which everything else revolves. If there is one thing that defines our struggle, it is that it is antidogmatic. If the Government manages to isolate us politically at the national level, to present us as extremist, desperate intransigents and the civil society agrees, that is where the military option resurfaces.

—Marcos quoted in the *New York Times*, February 8, 1994

When a political-military force (like that of the Mexican federal government) asks another political-military force (like the EZLN) to lay down its arms, this signifies, in political and military terms, that it asks for an unconditional surrender. In exchange for unconditional surrender, the government offers what it always offers: an internal adjusting of accounts, a package of declarations, promises, and more bureaucratic dependencies.

Concretely, the demand to "lay down arms" is the one that provokes the most suspicions. National and Latin American history teach that he who lays down arms believing in the forgiveness of his persecutor ends his days shot full of holes wherever the death squads of the government find him. How can we think that would not occur here in our country?

—Communique of the EZLN, January 20, 1994

Chiapas Uprising



Cuartoscuro/Impact Visuals

Marcos, in San Cristóbal, answering questions on the first day of the insurrection.

response of the government, but about the response of the people, of the Mexicans. It interests us to know what example this deed will produce, that this will move in the national consciousness. We hope that something will move, not only at the level of armed struggle but in every sense. We hope it will bring an end to this unhappy dictatorship.

L'Unita: You don't have confidence in the PRD [Democratic Revolutionary Party headed by Cuahtemoc Cardenas, mildly leftist, may have actually won the presidency in 1988] as an opposition party in the next elections?

Marcos: We have no confidence in either the political parties or the electoral system. The government of Salinas de Gortari is an illegitimate government, the product of fraud, and this illegitimate government will necessarily produce illegitimate elections. We want a transition government and that this government convoke new elections, but with the ability to be really equal, that they offer equal conditions to all the political parties. In Chiapas, 15,000 Indians die every year of treatable diseases. It is a number similar to that produced by the war in El Salvador. If a peasant with cholera arrives at a hospital in the rural areas, they carry him outside so that no one says there is cholera in Chiapas. In this movement, the Indians that form part of the Zapatista army want in the first place to dialog with their own people. They are their true interlocutors.

L'Unita: Pardon me, but you aren't Indian.

Marcos: You have to understand that our movement is not Chiapan but national. Thus, while there are people such as myself who come from other states, there are also Chiapans who fight in other places. We are Mexicans, this unites us, in addition to the demand for liberty and democ-

racy. We want to choose our real representatives.

L'Unita: But now, don't you fear heavy repression?
Marcos: For Indoamericans, the repression has existed for 500 years. Maybe you're thinking of the type of repression practiced by the South American governments. But for the Indians, this style of repression is an everyday thing. You can ask the Indians that live on the outskirts of San Cristóbal.

L'Unita: What development would you consider a success?

Marcos: We would want others in all parts of the republic to join this movement.

L'Unita: Necessarily armed?

Marcos: No. We are making a broad front that we take also to the people that participate in civil, legal, open movements.

L'Unita: Why did you choose January 1st and San Cristóbal?

Marcos: It was the Directing Committee that decided. It is clear that the date is related to NAFTA, which for the Indians is a death sentence. The taking of effect of the treaty represents the beginning of an international massacre.

L'Unita: What do you think of the international reaction? Aren't you afraid that the United States could intervene as it has done in other parts of Latin America?

Marcos: Before, the United States had the threat of the Soviet Union; it feared Soviet infiltration in our country. But what can they think now of a movement that demands only social justice? They can't continue thinking that we are being manipulated by the foreigner or financed by the gold of Moscow, seeing that Moscow no longer exists. It's enough to ask Yeltsin. The Americans must realize that we struggle for that which everybody wants, that the European countries have wanted. Did not the people of Germany and Italy rebel against dictatorship? Isn't it equally valid that the Mexican people rebel? The Americans have a lot to do with the reality that you can observe here, the conditions of misery for the Indians and the great hunger for justice. In Mexico, the entire social system is founded on injustice in its relations with the Indians. The worst that can happen to a human being is to be an Indian, with his burden of humiliation, hunger, and misery.

The Voice of Marcos

Subcomandante Marcos has become an enigmatic legend, admired even by enemies of the EZLN and critics of the armed path. Marcos has largely evaded personal questions, chiding interviewers: "Don't do the PGR's [Procurador General de la Republica, i.e., Attorneys General's] work."

Pressed for personal information, he described himself as an educated man who "finished well" with a degree from the National Autonomous University in Mexico City and went on to postgraduate study. About 40 years old and single, Marcos was born in provincial Mexico and is a guerrilla without a criminal record, "not even traffic tickets," he joked. In the '70s his political development, he said, was shaped by reading Rius, Carlos Monsiváis, Elena Poniatowska, and the writers of the Latin American *boom*.

Marcos credited his prominence to the media. All of the commanders were present in San Cristóbal, he said, but reporters searched him out because he spoke fluent Spanish. Since then, his mystique has grown and fueled rumors. When told that military intelligence speculated that he is a priest, Marcos replied firmly: "No, no, God save me, no....[I am] neither priest, nor pope, nor papal nuncio. None of that...I am not a catechist, nor a parishioner, nothing." When pressed to admit he was an atheist, Marcos said: "That is one area which they forbid me to talk of. My compañeros explain that if I say I'm religious, then people will say this is a religious movement..." One thing he will confirm is that the movement is national. He alluded jokingly to the spread of the uprising when reporters asked about the masks that have become the symbol of the Zapatistas. "Where they begin to buy lots of ski masks, there, there will soon be a coup, an attack."

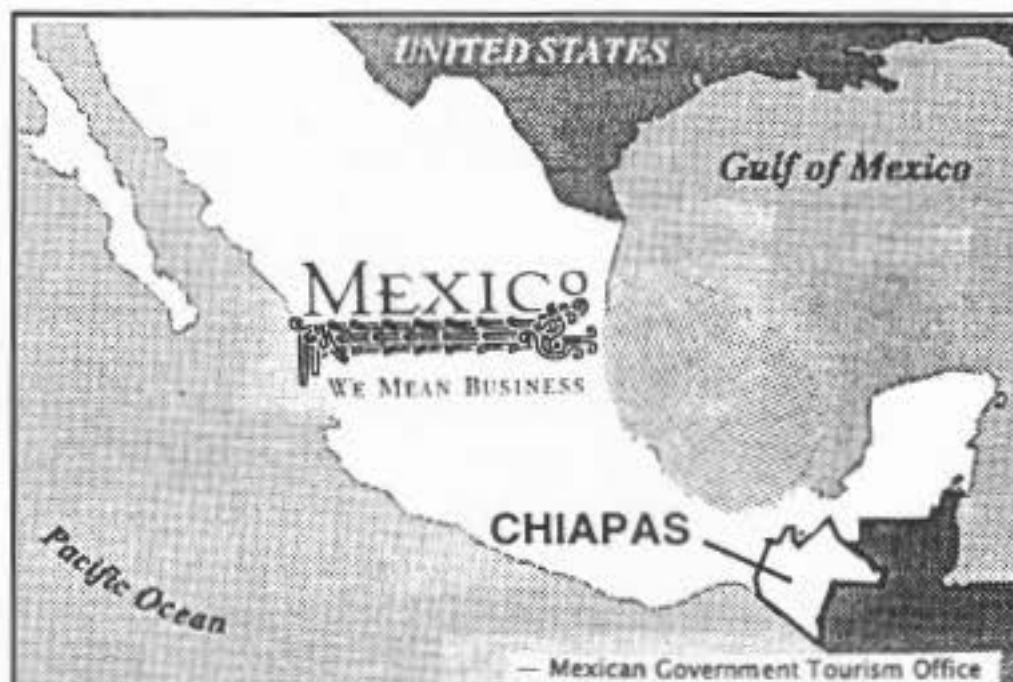
A journalist in San Cristóbal mentioned the dark coincidence that Zapata, Sandino, Malcolm X, and Che Guevara all died at 39. "I am living on borrowed time," the guerrilla leader said. "For us, the world fell on us on January 1st. Every day that passes after January 1st is bonus."

— Oscar Hinojosa, *El Financiero*, February 20, 1994

The Voice of Business

Ernest Brown, senior economist for Latin America at Morgan Stanley, expressed U.S. big business's hostility to the insurrection. He said the "danger would be that as a result of the uprising, the administration of President Carlos Salinas de Gortari might decide to increase social spending and produce budgetary red ink."

— Reuters



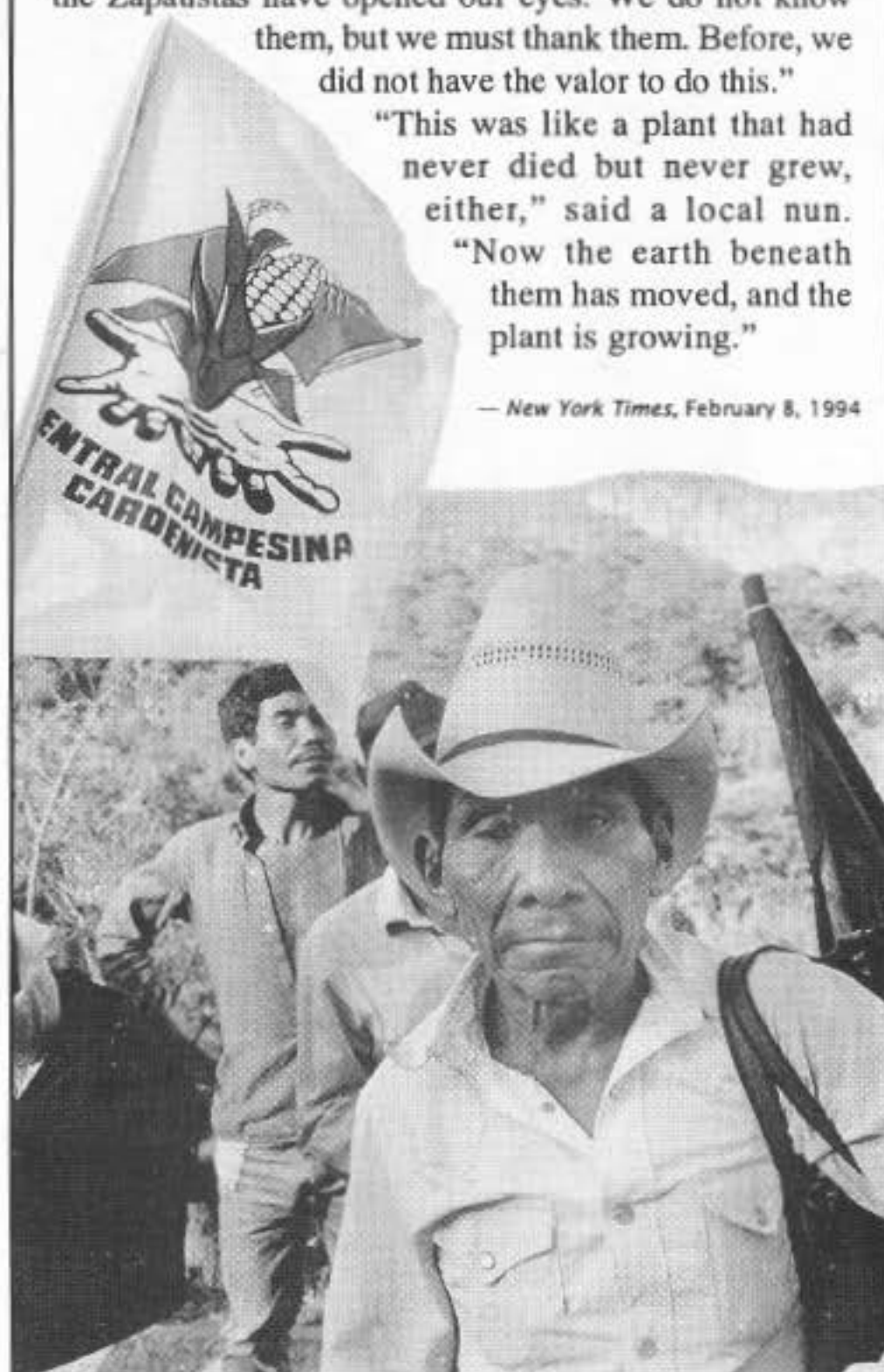
The Voice of the People

In Teopisca and at least a dozen other towns or villages in Chiapas, peasants seized town halls and demanded removal of local authorities. A Teopisca corn farmer and former stalwart of the governing Institutional Revolutionary Party (PRI) was quoted as saying: "By grace, the Zapatistas have opened our eyes. We do not know them, but we must thank them. Before, we did not have the valor to do this."

"This was like a plant that had never died but never grew, either," said a local nun.

"Now the earth beneath them has moved, and the plant is growing."

— *New York Times*, February 8, 1994



Mev Puleo/Impact Visuals

An Indigenous Peoples' Struggle for Justice

Displacement from ancestral lands, arbitrary detention, torture, and summary execution of indigenous peoples in the Western Hemisphere have been most frequently associated with countries such as Guatemala or Brazil. Until recently, the repression in Mexico remained that country's dirty little secret.



José Luis Morín

On January 1, 1994, the world awakened to the news of an uprising in Mexico. A group of indigenous peoples calling themselves the Zapatista National Liberation Army (Zapatistas) captured several towns in Mexico's southernmost state of Chiapas on the border with Guatemala. Named after the Mexican revolutionary peasant hero, Emiliano Zapata, the poorly armed rebel group lashed out against the poverty and injustice that each year kills thousands in Chiapas and grinds tens of thousands more into landless dependency.¹ Although the

Zapatistas are part of a long history of popular Latin American revolutionaries, they are more pragmatic and less ideological than many of their predecessors.² Rather than seize power themselves, they seek to create conditions under which truly democratic elections and fundamental social reforms can take place.³ When they finally turned to violent struggle, they did so with a lack of gratuitous violence all the more surprising given the terror tactics consistently employed by their opponents.

In the days that followed their initial occupation of San Cristóbal de las Casas (the second largest city in Chiapas) and three nearby towns, reports began to flow out of Mexico about gross human rights violations by the Mexican military

José Luis Morín is Executive Director of the North Star Fund in New York City. A former staff attorney and current cooperating attorney with the Center for Constitutional Rights, he traveled with the first delegation, along with Mexican human and indigenous rights organizations, to investigate violations occurring in Chiapas, Mexico. Photo: David Maung/Impact Visuals. Bodies presumed to be EZLN members on the road to Ocosingo, January 5, 1994.

1. "El Comandante Marcos, al Periódico *L'Unita*: 'Mejor Morir Combatiendo que Morir de Disenteria,'" *Proceso*, January 10, 1994, p. 9.

2. Tim Golden, "The Voice of the Rebels Has Mexicans in His Spell," *New York Times*, February 8, 1994, p. A3.

3. "El Comandante Marcos...," *op. cit.*, p. 8.

committed against civilians as well as rebels.⁴ At the behest of Bishop Samuel Ruiz García of San Cristóbal de las Casas and the National Network of Non-governmental Human Rights Organizations in Mexico, the first delegation from the U.S. travelled to Chiapas to investigate and report their findings to the international community. Our delegation's worst fears were confirmed.⁵

The Legacy of Repression

Although the Mexican government reacted with public surprise, the insurrection was a logical, last resort for people who could no longer survive continuing repression and loss of land and means of survival.

The majority of Chiapas' 3.2 million people are descendants of the ancient Mayas who built the extraordinary cities whose remains dot the region.⁶ Dozens of distinct groups — Tzeltales, Tzotziles, Choles, Tojolobales, Zoques, and Mames — maintain their own language, culture, traditions, and religion. Some, including the Lacandones, Mochós and Cakchiqueles, are now facing extinction.⁷ All share a common legacy: From the time of Spanish colonialism to the present, the government and local landlords have stolen their lands and fundamental rights.

The Revolution of 1910, in which Emiliano Zapata took up the peasant cause, brought reforms designed to secure a more equitable distribution of land. Despite the agrarian reforms written into the 1917 constitution, the traditional relationship that indigenous peasants had to their land was never effectively protected.⁸ Without land titles and enforced agrarian reforms, they have regularly endured violent confrontations with the state police and the armed thugs, or *guardias blancas*, hired by private land barons to evict them.⁹

In 1991, President Carlos Salinas de Gortari promoted a constitutional amendment that exacerbated the situation for the indigenous. The amendment to Article 27 permits outside individuals and corporations to buy up the *ejidos* — the communal landholdings on which the indigenous live — and exploit the resources. Under this "reform," the people who now use the land, but cannot afford to buy it, will have little chance to gain title. It is widely believed that NAFTA was the impetus for this amendment. The trade agreement will, by displacing peasants, create even more opportunities in Mexico for commercial development by foreign investors.¹⁰

4. Independent, non-governmental Mexican human rights organizations were the first to identify and notify human rights groups in the U.S. and Canada about the illegal and abusive measures taken by the Mexican armed forces. The U.S. news media soon after confirmed such reports. See Tim Golden, "Mexican Army Is Said to Abuse Rebel Suspects," *New York Times*, January 24, 1994, p. A1.

5. Most of the delegation arrived in Mexico January 6, 1994, and stayed in Chiapas through January 10. Several members remained longer to conduct further investigations. This article includes the findings of the entire group.

6. *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican State of Chiapas*, Minnesota Advocates for Human Rights, October 1992, p. 3.

7. *Ibid.*

8. *Ibid.*, p. 57.

9. *Ibid.*, pp. 61-62.

10. *Ibid.*, pp. 66-68.



David Maung/Impact Visuals

Mexican army troops arrive in Ocosingo, Chiapas, January 5.

Brutality and Broken Promises

Official neglect and exploitation, have not only created misery (see box, next page), they have sparked a long history of resistance. As the number of Europeans increased in Chiapas, indigenous peoples' land claims were brutally suppressed. Decades of petitions and peaceful protests have, however, consistently provoked the same government response: more repression, cooptation, and broken promises.

The latest round of protest, surrounding the 500th anniversary of the "discovery" of "America," was part of a hemisphere-wide movement of indigenous people to resist extinction. On December 26, 1991, 300 indigenous people gathered in the main plaza of Palenque (site of a culturally important Mayan ruin) for a peaceful sit-in, or *plantón*, to protest the lack of potable water, schools, health care, and the loss of their lands through government policies and the encroachment of tourist industries.¹¹ Local and state police

11. Various U.S.-based human rights organizations have investigated the human rights violations involved in this incident. See *Center for Constitutional Rights Docket*, Fall 1992, pp. 75-76. See also, "México: Violaciones de Derechos

Traditions of Torture

According to *Toronto Star* correspondent Linda Diebel, "Mexico's Dirty War ... didn't just begin on New Year's Day when the Zapatistas burst into view by seizing four villages in southern Mexico. Ugly, violent things have been happening to the people here (and elsewhere in Mexico) for a very long time. Ugly things are happening now and, in all likelihood, they will continue to happen in the future."

Diebel recalled her earlier visit to Chiapas in March, 1993. "Chiapas is run like a feudal state with the Indians expected to deliver their vote for the ruling Institutional Revolutionary Party (PRI) at election time. I know about men, whole villages, being taken prisoner, of torture in prison, of teachers being hooded, beaten and threatened, of union leaders being held upside down over a precipice by federal police, of fingernails being pulled out, of genitals burned, of disappearances and unidentified bodies turning up, hands tied behind their backs. I know about the dead journalists."

— Linda Diebel, "Mexico's Dirty War," *Toronto Star*, January 6, 1994.

Counting on Poverty

NAFTA is part of a long history of official assaults on the indigenous community. The unwillingness of the national and state governments to attend adequately to basic needs has had severe social and economic consequences. While statistics alone cannot depict the poverty and misery, clearly the desperation and despair they reflect are at the core of the Zapatista resistance. In Chiapas:

- Malnutrition is the number one killer.
- There is only one doctor per 1,500 people.
- Illiteracy, at 30.1 percent, is the highest in the nation.
- While it produces approximately 60 percent of Mexico's electricity, 33.1 percent of Chiapas households have no electricity.
- More than three-quarters of the homes in the towns captured by the Zapatistas in January have dirt floors.
- Forty-two percent of people have no running water.

Sources: Carlos Acosta Córdova and Ignacio Ramirez, "La desnutrición, principal causa de muerte," *Proceso*, January 10, 1994, pp. 45-6, 48; and Julio Moguel, "Chiapas y el Pronasol," *La Jornada del Campo*, January 25, 1994, p. 7.

brutally removed all the demonstrators, arrested 103, and tortured them over a three-day period. Only after human rights groups protested the illegal arrests, did the government acknowledge that it had no case and release the detainees.¹² But not before it demonstrated, yet again, that it could restrict the freedoms of association and expression and violate the civil and human rights of the indigenous population with virtual impunity.

Despite the repression, another attempt to gain redress through peaceful means was mounted three months later. Indigenous rights organizations organized a 700-mile march of 300 people from Palenque to Mexico City to demand agrarian reform, basic services, and human rights. The extraordinary support and attention the Xi'Nich¹³ march received throughout Mexico pressured the government into negotiating an accord. When the government failed, yet again, to fulfill its pledges,¹⁴ it became yet harder to believe in the efficacy of acting peacefully.

The popular sense of betrayal and frustration was well-grounded.¹⁵ A variety of respected Mexican and international organizations have documented a pattern of torture, summary execution, disappearances, abuses by the criminal justice system, election-related fraud and violence, and efforts to silence the press.¹⁶ In Chiapas—where this pattern is exacerbated by geographic isolation, endemic anti-indigenous discrimination, and blatant government corruption—the repression is particularly brutal.¹⁷ Common tortures employed by Chiapas police include electric shock or forcing carbonated drinks, such as Coca-Cola or Tehuacán, laced with chilies up the nostrils of detained persons.¹⁸

Anyone who advocates or organizes to protect human or indigenous rights is marked as an enemy of the state. Priests and church workers, in particular, have been targeted for harassment. In 1991, Father Joel Padrón was imprisoned for his work with indigenous peoples¹⁹ and recently, government officials branded San Cristóbal's Don Samuel Ruiz García, the "Red Bishop."²⁰

Zapping NAFTA

The spark that finally exploded the long-smoldering outrage was the NAFTA. The Zapatistas started their rebellion on January

Humanos Contra Activistas Indígenas Ch'ol y Tzeltal," *Amnestia Internacional*, July 1992; and *Conquest Continued*, *op. cit.*, pp. 10-12.

12. *Conquest Continued*, *op. cit.*, p. 12.

13. Xi'Nich' is Tzeltal for "ant," describing the manner in which the government has treated the indigenous peoples and symbolizing the need for unity among the indigenous peoples to overcome oppression. See *Conquest Continued*, *op. cit.*, p. 14.

14. *Ibid.*, p. 16.

15. "Civilians at Risk: Military and Police Abuses in the Mexican Countryside," *Minnesota Advocates for Human Rights*, August 1993.

16. *Human Rights in Mexico: A Policy of Impunity*, Americas Watch, June 1990.

17. *Conquest Continued*, pp. 1-30.

18. *Ibid.*, p. 10.

19. *Human Rights Watch World Report 1992*, p. 283.

20. Alberto Huerta, "Lawless Roads Still, The 'Red' Bishop of Chiapas," *Commonweal*, December 17, 1993, p. 12. In peace negotiations with the government the Zapatistas chose Bishop Ruiz as mediator. In keeping with past practice, government officials took advantage of the Zapatistas to falsely condemn Bishop Ruiz and other church workers as instigators of the violence. ("Church Persecution Claimed," *Christian Century*, February 2-9, 1994, p. 98).

1, the day NAFTA went into effect. The uprising effectively drew world attention to the severe social and economic consequences throughout the hemisphere of neoliberalism in general and NAFTA in particular. Before New Year's Day, neoliberals frequently framed the debate as who would win or lose more jobs — Mexican or U.S. workers — or which environment would suffer more.²¹ But the media and elites sidestepped questions of national sovereignty, democratic process, and human rights concerns in both Mexico and the U.S.

The Zapatistas charge that the current Mexican government is illegitimate since the ruling PRI (Institutional Revolutionary Party) committed widespread fraud and stole the 1988 presidential election.²² The fervent support given by PRI for NAFTA has done nothing to endear the government to the peasants of Chiapas.²³ The policies of PRI President Carlos Salinas de Gortari have consistently favored the large landowners and corporations. Especially onerous to indigenous peoples have been the amendment to Article 27 to the constitution and the imposition of NAFTA.²⁴

NAFTA's effect — acceleration of foreign investment and intervention leading inevitably to greater displacement and exploitation of the region and its peoples — are already evident in the Chiapas region. Major oil companies are planning to exploit the rich oil deposits; transnational corporations such as Nestlé are seeking to convert land to coffee production;²⁵ investors are eyeing major expansions of the tourist industry centering on the great Mayan ruins, despite native peoples' protest that these are the homes and temples of their ancestors. The treaty, in the words of rebel leader Subcomandante Marcos, is the "death sentence" for Mexico's indigenous peoples.²⁶



David Maung/Impact Visuals

According to human rights groups, these five alleged guerrillas were bound and then executed by the army.

Findings of the First Delegation to Chiapas

The executions had already begun when our delegation of observers arrived in Mexico on January 6, 1994, to investigate reports of human rights violations committed by the Mexican military.²⁷ After joining with members of the National Network of Non-governmental Human Rights Organizations in

Mexico City, the delegation spent from January 7 to 15 in Chiapas. There, we uncovered a trail of horrors that followed the government forces as they sought to punish the entire indigenous population in revenge for the Zapatista uprising.

Reports of atrocities circulated widely. The military systematically and illegally prevented the Red Cross, press, human rights workers, and family members searching for disappeared loved ones from entering certain areas. Why the military and the government insisted on restricting access became apparent as we collected testimonies of summary executions, torture, disappearances, arbitrary detentions and indiscriminate bombings of civilian communities.²⁸ These acts constitute serious violations of both fundamental human

21. See *Human Rights Watch World Report 1992*, pp. 284-87.

22. *Human Rights in Mexico: A Policy of Impunity*, *op. cit.*, p. 3.

23. Golden, "The Voice of the Rebels...", *op. cit.*

24. The Mexican government launched a major PR and lobbying effort around NAFTA in the U.S. costing \$30-35 million. The PR giant Burson-Marsteller alone got an \$8 million contract. U.S. corporations spent an additional \$25-30 million.

25. Froylán M. López Narváez, "Al sismo," *Proceso*, January 10, 1994, p. 33.

26. "Mexico's second-class citizens say enough is enough," *The Economist*, January 8, 1994, p. 41.

27. The delegation consisted of representatives from the Funding Exchange and the North Star Fund, two progressive funding institutions based in New York, the Center for Constitutional Rights, Global Exchange, an independent filmmaker, a free-lance writer and a member of the Menominee Nation. The National Network of Non-governmental Human Rights Organizations comprises 39 independent human rights groups from different parts of Mexico, including the Center for Human Rights "Fray Bartolomé de las Casas," in San Cristóbal, Chiapas.

28. See Press Statement Issued by Amnesty International, U.S.A., "Mexico: Amnesty International Concerned by Possibility of Widespread Human Rights Violations Following Peasant and Indian Uprising," January 1994.

"If you men won't do it..."

One of the protestors says "the Zapatistas have given an example for the rest of Mexico, namely that the poor should no longer be exploited by the rich. Significantly, there was not a single law enforcement official to be seen in the town. Four members of the Chiapas State Congress, all from the ruling party, did show up around mid-day in Teopisca to negotiate with the townspeople. They lectured them on the need to work through the system, to rely on Mexico's institutions for change. The people responded that they simply did not trust Mexican authorities to act on their behalf.

"One congressman offered to carry out an audit of the town's finances, but only starting next week. The response was, 'Nothing doing.' The audit would have to be done immediately or not at all. The lawmakers gave in to that demand, but they would not agree to removing the mayor from office; that is until several women appeared carrying big ropes.

"One of the women yelled: 'Let's tie them up! If you men won't do it, we women will!' And, indeed, two of the congressmen had ropes tied around their waists. The crowd then hauled them in pickup trucks to City Hall. When they got there, one of those who had been tied up made a call to the state capital, and then announced that the State Congress would no longer recognize the town mayor as such.

"'What we've seen in this place is ungovernable,' the lawmaker said....The locals were jubilant. They cheered for a democracy they said they'd never had before.

"The congressmen, meanwhile, promised all these changes would be ratified by the State Congress very soon. The locals said that promise had better be kept, or there will be more trouble. With the normally hardline government currently trying to avoid any further conflict in Mexico, and with widespread resentment towards local authorities, many here now wonder how many other towns in Mexico might be inspired to copy what happened yesterday in Teopisca."

David Welna, National Public Radio, *Morning Edition*, February 10, 1994.

rights and the Geneva Conventions and its Protocols.²⁹

We interviewed 19 prisoners who were detained over four days without food and water or offered only urine to drink. They reported that the military tied them up, beat them, and held their heads under water to force them to confess to being

29. At issue are violations of fundamental human rights, such as the right to life, the right to humane treatment and the freedom of thought and expression. See American Convention on Human Rights in *Basic Documents Pertaining to Human Rights in the Inter-American System*, OAS/Ser.L.V./II.82, doc. 6, rev.

Zapatistas. The Mexican military fired on press and Red Cross personnel when they tried to enter Ocosingo, Tenejapa, Oxchuc and other towns. Members of our delegation met with one Red Cross volunteer whose leg was to be amputated as a result of such an attack.³⁰

There were many more who did not survive their encounters with the military. The most well-known, but not the worst, of extra-judicial executions was of five indigenous persons in the town of Ocosingo.³¹ Our delegation confirmed numerous disappearances and abductions by the Mexican military of indigenous non-combatants.³² In the indigenous community of San Antonio de los Baños, for example, eye-witnesses recounted how family members were abducted and forced to wear Army uniforms ostensibly to guide patrols through unfamiliar terrain. We also discovered mass graves. As part of a massive cover-up operation, the Mexican mili-

As part of a massive cover-up operation, the Mexican military had secretly buried 48 unidentified bodies in Tuxtla Gutiérrez and numerous corpses of indigenous peoples in Ocosingo.

tary had secretly buried 48 unidentified bodies in Tuxtla Gutiérrez and numerous corpses of indigenous peoples in Ocosingo.³³

Our delegation released its findings at press conferences in San Cristóbal, Mexico City, and New York to expose the extent of the violations that continue to take place and in the hope of preventing further atrocities.³⁴ Wide press coverage increased pressure on the government to reevaluate its policies.

1, July 1, 1992, original: Spanish, arts. 4, 5, 13. Also at issue are violations of the rights of combatants and civilians in times of armed conflict. See Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Force in the Field (Geneva Convention I), 12 August 1949, 75 UNTS 31; Geneva Convention for the Amelioration of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (Geneva Convention II), 12 August 1949, 75 UNTS 85; Geneva Convention Relative to the Treatment of Prisoners (Geneva Convention III), 12 August 1949, 75 UNTS 135; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV), 12 August 1949, 75 UNTS 287; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 16 ILM 1391 (1977); Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, ILM 1442 (1977).

30. Medea Benjamin, "Keeping our eyes on Chiapas," *San Francisco Bay Guardian*, January 19, 1994, p. 6. (Benjamin of Global Exchange was a member of the January 6-15 delegation.)

31. Physicians for Human Rights, through its experts, later confirmed that at least five were killed summary execution style. Anthony DePalma, "Mexico Frees 38 Linked to Revolt," *New York Times*, January 30, 1994, p. 9.

32. See "Cry for Freedom and Democracy: Chiapas, January 7-15, 1994," Viewing Habits Productions, 1994, a documentary film on the delegation's investigations and findings.

33. *Ibid.*

34. Press conferences in San Cristóbal de las Casas, Mexico City and New York City were held on January 9, 10, and 11, 1994, respectively.

Concessions and the Continuing Struggle

On January 14th, the Congress of Indigenous and Peasant Peoples Organization met, not to support the use of armed force, but to reaffirm the legitimacy of the Zapatistas' struggle for social justice. Indigenous peoples throughout Chiapas and around Mexico, as well as labor, political, church, and human rights groups, are now challenging the PRI and its government leaders.³⁵ Peasants around the region began occupying areas owned by major land holders.

By late January, the government began to take drastic steps to regain control of the situation and appease both international and domestic critics of the war they were waging against the indigenous population. The poorly armed Zapatistas succeeded in destabilizing the government of President Salinas and forcing several changes including the ouster of the Interior Minister, Patrocinio González Garrido, a former Governor of Chiapas with a reputation for ruthless repression.³⁶ The Salinas government also declared a unilateral cease-fire and agreed to talks with the rebels and to accept Bishop Ruiz as a mediator.³⁷ Even after the cease-fire, however, the army continued its violations and bombings of civilian communities. Various human rights groups have continued to monitor the situation and make reports.³⁸ Both Mexican and U.S. groups have filed complaints against the Mexican government on behalf of victims of the war with the Inter-American Commission on Human Rights of the Organization of American States.³⁹

The rebels have already been successful in forcing a debate on campaign spending laws.⁴⁰ On February 27, the government announced a series of "radical national political reforms" before next August's elections. Although these reforms were a key element in the Zapatistas demands from the beginning, the government insisted they were not the direct result of peace talks underway. Under the direction of Manuel Camacho Solís, who was passed over as Salinas' heir apparent, the negotiations have also led to a government commitment to "dramatically increased social spending and human rights investigations."⁴¹

The peace negotiations, in fact, are expected to open up a larger debate about Mexico's political and economic future.⁴²

35. Tim Golden, "'Awakened' Peasant Farmers Overrunning Mexican Towns," *New York Times*, February 9, 1994, p. A1.

36. "Some Good Out of Chiapas," *New York Times* (Editorial), January 30, 1994, p. 16.

37. *Ibid.*

38. Tim Golden, "Mexican Rebels Give Statement To Government," *New York Times*, January 18, 1994, p. A10.

39. On January 27, 1994, U.S.-based human rights groups including the Center for Human Rights Legal Action, the Center for Constitutional Rights, the Lowenstein International Human Rights Clinic, the Harvard Immigration and Refugee Program, the National Lawyers Guild, and the Central America Solidarity Association, presented a petition before the Inter-American Commission on Human Rights against the Mexican government on behalf of the civilian population of Chiapas and members of the Zapatista forces who have laid down their weapons or have been placed hors de combat by sickness, wounds, detention, or any other cause.

40. Tim Golden, "Mexican Parties Agree to Reform," *New York Times*, January 28, 1994, p. A1.

41. Tod Robberson, "Rebellion Spurs Mexico To Plan Major Reforms," *Washington Post*, February 28, 1994.

42. Anthony DePalma, "Mexican Peace Talks Scheduled," *New York Times*,



Peter Robertson

Government peace negotiator Manuel Camacho Solís

Most significantly, the Zapatistas have inspired a resurgence of community-based action among the indigenous and peasant population to seek redress for centuries of grievance.

U.S. Responsibility

The United States has also been implicated in these atrocities. For fiscal year 1991, the U.S. gave Mexico \$18.3 million from the International Narcotics Control Fund and, in 1992, the U.S. State Department requested \$26 million for drug law enforcement.⁴³ As is often the case in Latin America, annual allotments of U.S. arms and equipment designated for anti-narcotics efforts are now being used for counterinsurgency.⁴⁴ More generally, the U.S. bears responsibility for supporting the election of Salinas, ignoring a persistent pattern of human rights, labor and environmental violations, and promoting NAFTA without regard for the human consequences.

While the U.S. government has for years been an ally of the repressive Mexican government, many in the U.S. have opposed these policies. This public pressure is critical not only to ensure that the Mexican government protects basic human rights and institutes fundamental political, economic and social changes, but also to secure a change in U.S. foreign policy that is respectful of human rights at home and abroad. The mobilization and collaboration of anti-NAFTA forces and human rights groups on both sides of the border will strengthen the efforts to advance justice and democracy in both countries. •

February 18, 1994, p. A6.

43. *Human Rights Watch World Report 1992*, p. 286.

44. Anthony DePalma, "Rebels in Mexico Promise Reforms," *New York Times*, January 30, 1994, p. 9.

If the CIA's "little" information on Chiapas had become an open issue, and if news reports of guerrilla activity in May, in Chiapas, had been printed on the front pages of major U.S. papers, NAFTA might have been defeated. Which raises the question: Was

Chiapas: An Intelligence Fiasco or Coverup?



Juan Carlos Rojas/Impact Visuals

In May 1993, under the banner of Emiliano Zapata, the people of San Nicolás, Puebla, denounced electoral fraud, took over the town hall, and marched through the streets with arms. A negotiated solution was reached.

Dolia Estévez

On January 1, 1994, the day the North American Free Trade Agreement (NAFTA) went into effect, Mexicans were supposed to wake up to the wealth and comfort of North America; instead, they heard the sound of Central American-style gunfire.

For decades during the Cold War, the CIA portrayed Mexico as being "as important to U.S. strategic interests as the Soviet Union." Nonetheless, despite numerous warning signals, the Agency failed to warn of a potentially major threat to political stability in Washington's "backyard."

The rebellion by the Zapatista National Liberation Army (EZLN) in the southern state of Chiapas, has triggered a political earthquake in Mexico. The foundations of the Mexican political system, which has given the U.S. a largely stable neighbor for the past 64 years, have been shaken as never before. Currently Mexico can be defined with only one word: uncertainty.

Dolia Estévez is the Washington correspondent for *El Financiero*, an independent Mexican daily.

For the first time since 1929, the results of the Mexican presidential election are in doubt. Until now, the selection of the Institutional Revolutionary Party (PRI) candidate by the incumbent president was tantamount to being elected. Now, the possibility exists that the PRI could lose Mexico's highest public office. If, before Chiapas, the government felt some internal and external pressure to end vote fraud practices, after the uprising, the mood of the population is such that nothing short of clean and credible elections will be tolerated.

NAFTA strengthened Washington's views that the southern neighbor must be seen as key to U.S. national security. But if its public statements are true, the New Year's uprising took Washington by surprise and neither the president nor Congress was alerted ahead of time to the level of organized armed opposition in Mexico's second poorest state.

Failure or a coverup? asked Congress. In an open hearing with CIA head James Woolsey on January 25, members of the Senate Select Committee on Intelligence suggested the latter.

"We did not get a prediction of potential political unrest in Chiapas after the treaty was approved. No prediction was made," Sen. Robert Kerrey (D-Neb.), told Woolsey in a recriminating tone. Woolsey made no comment.

In a closed-door session the same day, CIA officials admitted an intelligence failure of omission. They denied, however, that the CIA had covered up information which might have provided useful ammunition for opponents of NAFTA on both the left and the right.

"The CIA had a little bit of information, they knew there were some rebels, they knew there were guns, but they did not realize that it [Chiapas] was as significant as it turned out to be," said Senate Intelligence Committee Chair Dennis DeConcini (D-Ariz.).¹

Referring to the failure of the CIA to warn about an armed insurgency in Chiapas; DeConcini reported, "We asked if the NAFTA debate had been a factor, and there was no evidence of that, I cannot guarantee it, but that is what they said." He declined to say how early the CIA Station in Mexico City was aware of the problem.

The Arizona Democrat said that in retrospect the Agency wished it had spent more time investigating the "little" that they knew, "so that the U.S. would have been better prepared," adding that he was "satisfied" with the CIA's admissions that they had "underestimated" the significance of the information they did have.

Congressional sources reported that the CIA group included Brian Latell, national intelligence officer for Latin America. Latell, a career CIA intelligence analyst since 1962, formerly with the CIA's National Intelligence Council, became notorious in 1984 when CIA director William Casey assigned him to write a "draft estimate" predicting the collapse of the Mexican political system.²

John Horton, then national intelligence officer for Latin America, and former Chief of Station in

Mexico City (1969-71), resigned when Casey rewrote the estimate on potential instability in Mexico on the basis of Latell's draft. Horton believed there were no facts to substantiate Latell's doomsday scenario.³

Two years later, while on leave from the NIC, Latell authored an extensive analysis updating his earlier assessment. "Unless the country's leaders adopt bold new initiatives to decentralize and democratize the rigid, authoritarian political structure, the odds will continue to rise that the system will rupture violently," he wrote.⁴

Eight years later, Chiapas turned Latell's words into prophecy. Asked whether the New Year's uprising vindicated Casey's decision to have his Mexican intelligence estimate rewritten by Latell, Horton re-

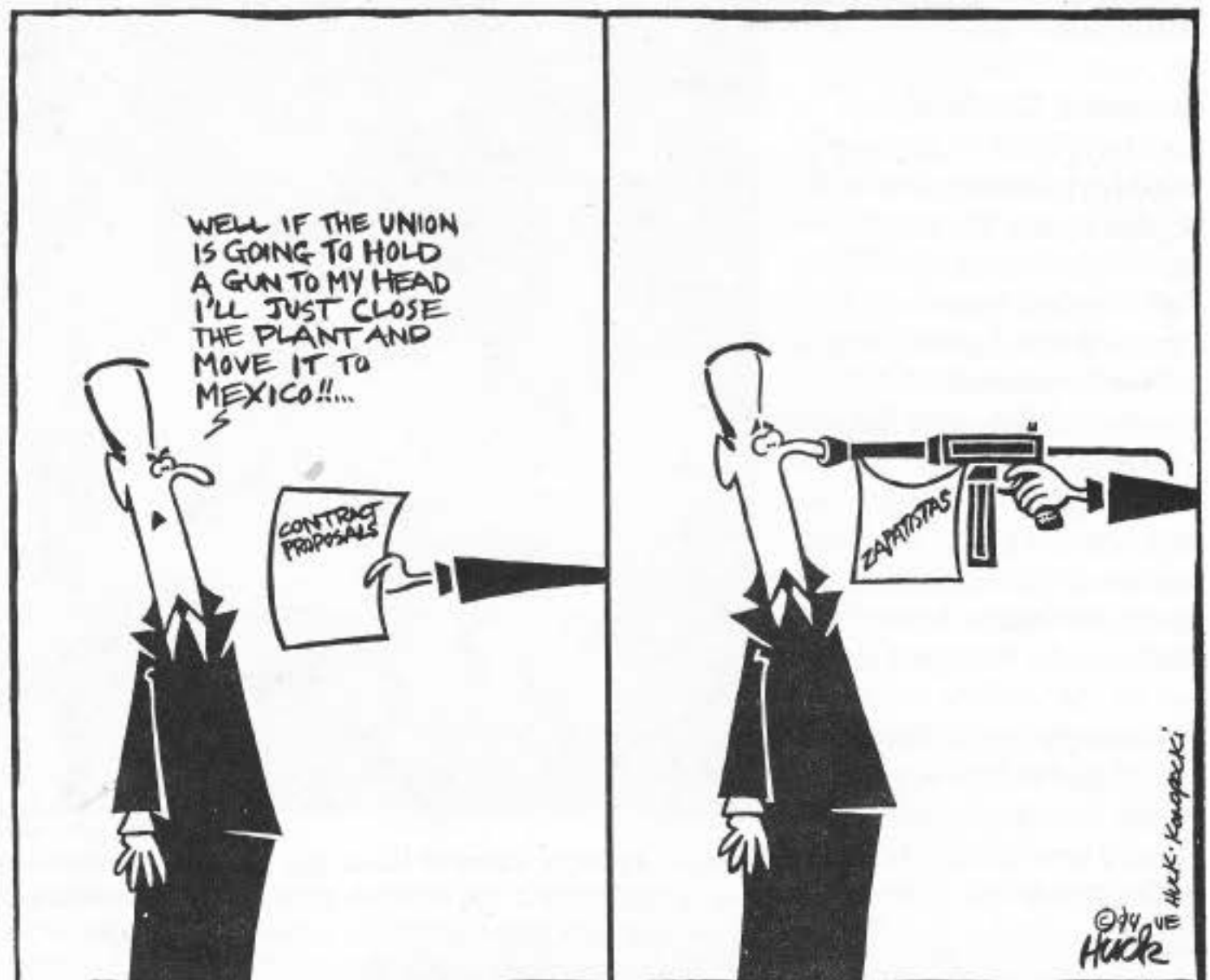
sponded: "No, it [Latell's estimate] did not say anything about Chiapas; the evidence that was presented at the time had nothing to do with this."⁵

In the first week after the uprising, "140 non-governmental human rights organizations" sent personnel to Chiapas to "assess" the situation. Most of the groups were from the U.S.

3. John Horton, "Why I Quit the CIA," *Washington Post*, January 2, 1985, p. A15; and John Horton, "The Real Intelligence Failure," *Foreign Service Journal*, February 1985, p. 25.

4. Brian Latell, "Mexico At the Crossroads," Hoover Institution, June 16, 1986.

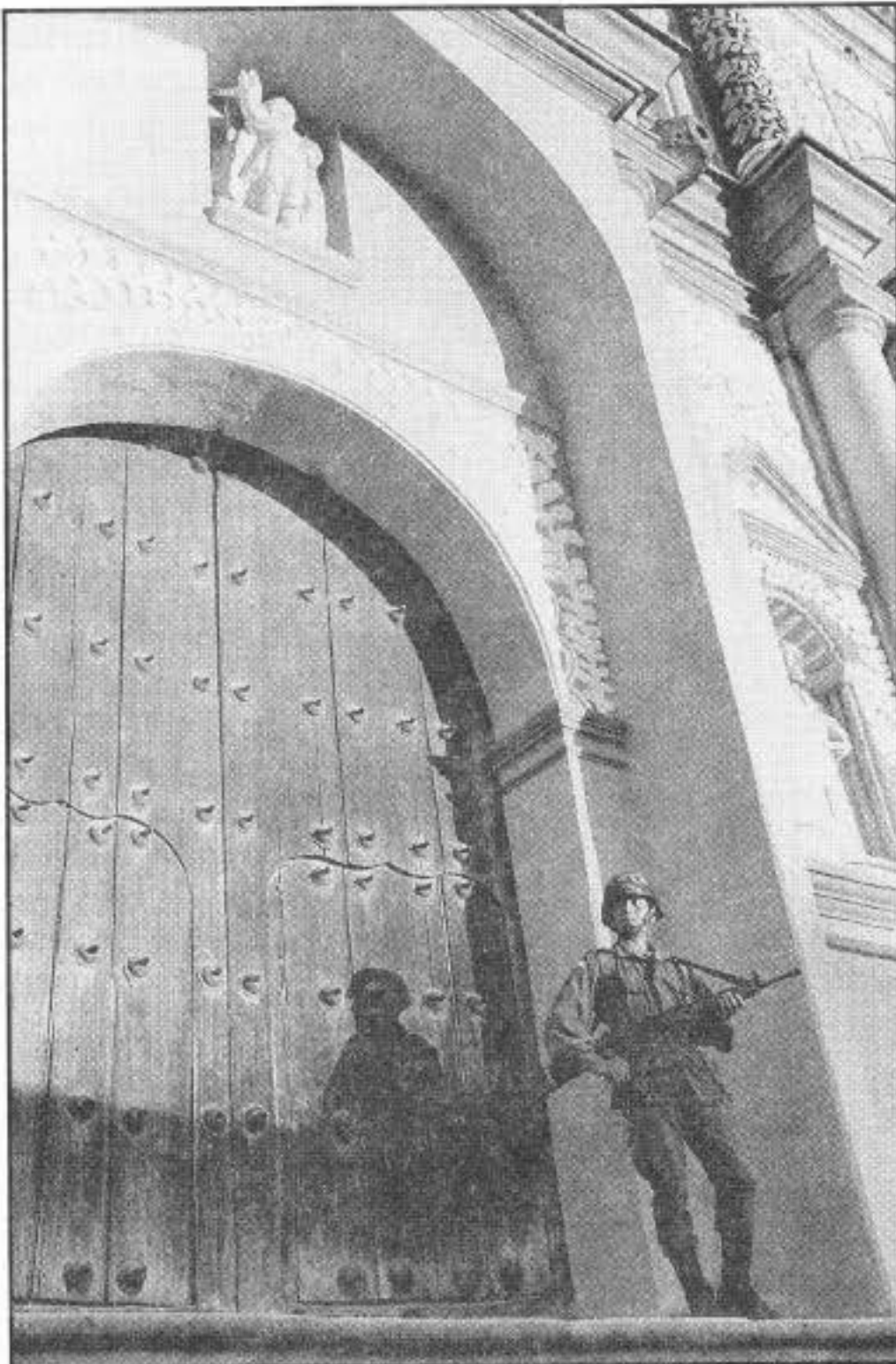
5. Dolia Estévez, "Sorpredió a la CIA la Forma, no el Fondo, del Levantamiento en Chiapas," *El Financiero*, January 22, 1994, p. 1.



1. All quotes from DeConcini are from interview cited in: Dolia Estévez, "La CIA También Sabía: DeConcini," *El Financiero*, February 16, 1994, p. 1.

2. Recently Latell drew another round of public attention when it was revealed that he had provided Congress with false reports that Haitian President Aristide was mentally unstable. See article on Haiti.

Chiapas Uprising



David Maung/Impact Visuals

Increased CIA Role

DeConcini tried to play down the CIA's role in Mexico, arguing that it is a "friendly country." With the end of the Cold War, the departments of State, Commerce and Agriculture, and the Non-Governmental Organizations (NGOs), have largely replaced the CIA as collectors of intelligence in Mexico, he said, implying that even the number of CIA officials in the Agency's Station at the U.S. Embassy in Mexico City — one of the world's largest — has diminished considerably.

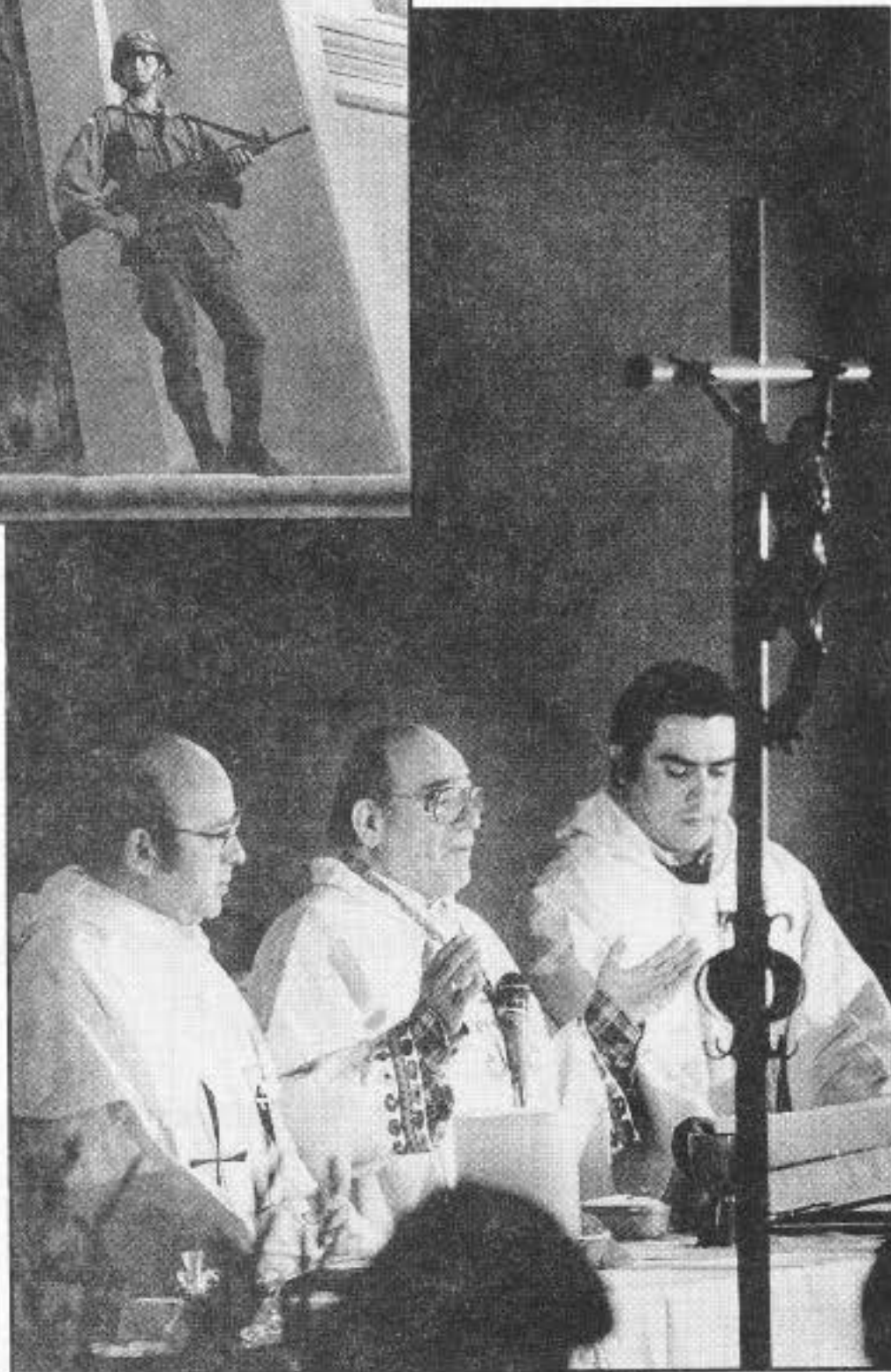
During the past few years, NGOs have dramatically increased their role in Mexico's internal political affairs. In testimony before the House Subcommittee on Western

Hemispheric Affairs, February 2, Assistant Secretary of State for Inter-American Affairs, Alexander F. Watson, reported that in the first week after the uprising, "140 non-governmental human rights organizations" sent personnel to Chiapas to "assess" the situation. Most of the groups were from the U.S. In 1993, the quasi-governmental National Endowment for Democracy (NED) — created by Congress in 1983 to do publicly what the CIA does secretly — granted \$420,000 to five Mexican "civic groups" active in the electoral arena and the field of human rights. The amount is the largest ever given to Mexico, a nation that did not appear among the major NED recipients until 1992, when the Endowment became active financing Mexican groups advocating "clean elections." In 1992, NED grants to Mexico totaled \$381,779.⁶

While the increased presence of U.S. private and quasi-governmental groups is hard to deny, DeConcini's assertions about the CIA's lessened role in Mexico are debatable. The situation in Chiapas, will no doubt provoke a stronger CIA role in Mexico while NAFTA makes U.S. intervention, in many forms, by many actors, more compelling than ever.

"I really think it is a serious problem for the United States," said Rep. Dan Glickman (D-Kan.), chair of the House Select Intelligence Committee. In the aftermath of the Chiapas rebellion, he added, he was concerned that U.S. intelligence agencies' analysis of Mexico's political stability "may be a little Pollyannaish."⁷ He said he would encourage the CIA to focus more attention on Mexico.

Some analysts predict that the CIA will launch Cold War-style covert operations against the rebels. On the eve of the initiation of the peace talks between the Zapatistas and the government, February 21, Ralph McGehee, who spent 14 years overseas as a CIA operations officer, said that "in this sort of negotiations you always have technical operations against the rebels to gather information on the leadership and members, and their negotiating position."⁸



David Maung/Impact Visuals

Above: Bishop Samuel Ruiz (c), celebrates mass after the army closed his church (top left) and dubbed him "Comandante Sammy." Ruiz acted as negotiator in the EZLN-government peace talks.

6. *NED Annual Report, 1992*, p. 74; and pre-release of *NED Annual Report, 1993*.

7. Robert Burns, Associated Press, January 27, 1994.

8. Dolia Estévez, "Infiltración de EU

He suggested that the Agency might deploy a "close support team" to the area, to gather information on the guerrilla leadership, members and negotiating position and give it to the Mexican government.

January 1 Not First Chiapas Combat

If the CIA was surprised at the New Year's Day insurrection, it was not from lack of warning signs. The first Mexican press reports on guerrilla training camps in Chiapas appeared in May 1993, around the time Cardinal Juan Jesús Posadas was killed by drug traffickers in Guadalajara, Mexico.

On May 23, after it lost two soldiers in a shootout in the Chiapas jungle between regular troops and guerrillas, the Mexican army launched an operation involving hundreds of soldiers in helicopters and trucks. They searched the tropical forests of southern Mexico for people suspected of guerrilla attacks against the state forces. Residents and those arrested in the operations told reporters that soldiers questioned them about guerrilla activity. All the major Mexican dailies and various European media carried the news, but reporting in the U.S. was virtually non-existent.

At the time, NAFTA was in trouble, as a result of the new Clinton administration's decision to postpone submitting the controversial trade pact to Congress until side agreements on environmental and labor issues were completed.

The assassination of the cardinal did not help, since it prompted a debate about the "Colombianization" of Mexico — that is, the potential for drug cartels to immerse Mexico in the kind of violent anarchy that Colombia has experienced since the mid-1980s.⁹

If the CIA's "little" information on Chiapas had then become an open issue, and news of guerrilla activity in southern Mexico had been printed on the front pages of major U.S. papers, NAFTA might have been defeated.

Not only did the CIA suppress the "little" that they claimed to have known about Chiapas, but around the months the Zapatista rebels were preparing their New Year's offensive, the Agency was part of the uphill effort to persuade Congress to ratify NAFTA.

In a closed-door meeting with members of the House Select Committee on Intelligence shortly before the November 17, 1993, NAFTA vote, Brian Latell warned that a defeat

of the trade agreement would bring "undesirable political and economic consequences" inside Mexico. A pro-NAFTA Democrat, present at the session, told reporters afterwards that the briefing by the CIA "helped many members to overcome fears about NAFTA."¹⁰

A former CIA station chief in Mexico described Latell as one of the "new breed" of CIA operatives more interested in affecting policy than providing objective information, and said that Latell works "very closely" with National Security Council chief Anthony Lake to lobby Congress on "sensitive issues."¹¹

U.S. Sends Team to Chiapas

Twenty-four hours after the rebels declared war on the Mexican central government, the State Department sent a team to the southern Mexican state but refused to release the names or affiliations of the five members.

"We're not familiar with the group, but the Embassy — Ambassador Jim Jones, specifically — has dispatched a five-person team yesterday to go to the state capital Tuxtla Gutiérrez and the town of San Cristóbal de las Casas," said State Department Spokesperson Mike McCurry on January 3.

"...[T]hey will be assessing the situation, also checking the status of American citizens who are in the vicinity."

According to Mexican sources, under the pretext of interviewing tourists, the U.S. team gained broad access even into the most remote corners of Chiapas. The extensive reports on what they saw and heard were cabled back to the State Department and, it is believed, to

CIA headquarters. The information, including the Mexican army's repressive response during the first days of the conflict, the level of support for the rebels, and a status report on human rights have remained classified. Congressional leaders with jurisdiction over Mexico have asked for the information, arguing that if the reports revealed violations of human rights by Mexican security forces, the situation could become another El Mozote fiasco, referring to the massacre by the Salvadoran Armed Forces in 1981 which Reagan's State Department covered up to protect its cozy relationship with the Salvadoran government.

The concern seems justified. Human rights reports by Amnesty International and Human Rights Watch/Americas (formerly Americas Watch) have denounced serious viola-

**Secret State Department reports may
not only document the human rights violations,
but will clarify whether the Mexican army
used American helicopters,
on loan from the U.S. for the war on drugs,
in combat against the rebels.**

en el Diálogo en Chiapas: Exfuncionarios de la CIA," *El Financiero*, February 17, 1994, p. 39.

9. Tod Robberson, "Mexican Drug Dealers Cut Pervasive Path," *Washington Post*, May 31, 1993, p. A21.

10. José Manuel Nava, *Excelsior*, October 29, 1993.

11. *The Mexico Report* (Washington, D.C.: The Whalen Company, Inc.), December 20, 1993, p. 20.

tions, including extrajudicial executions, "disappearances," and arbitrary arrests by the Mexican army.¹²

Subcomandante Marcos, the Zapatista military strategist, cautioned that the violation of human rights was not "the policy of the Mexican army...[C]ertain sectors of the Armed Forces fought with military honor avoiding harm to the civilian population."¹³

But the State Department is not sharing its information, even though there is reason to believe that its reports not only document the violations, but will clarify whether the Mexican army used American helicopters, on loan from the U.S. for the war on drugs, in combat against the rebels. Ambassador Jones stated that Mexico "did not violate any agreement by using the helicopters since they were deployed for logistics, not combat."¹⁴

Some of the contents of the classified reports were leaked when U.S. Ambassador to Mexico, James R. Jones, a political appointee who used to be the CEO of the American Stock Exchange, briefed Congress on Chiapas.

In classified meetings with members of Congress the week of January 24, when asked about the origins of the arms that the Zapatistas are bearing, Jones responded that "some of them came from Cuba" and that "at least one of the leaders of the rebellion was known to be Cuban."¹⁵

According to some sources close to the meeting, Jones also said that he was optimistic about the situation and believed that "everything was under control." And although he admitted that there were "some regional focuses" with similar socioeconomic conditions, he ruled out the spread of the armed conflict.¹⁶

Jones' statements contradicted the State Department's official position. "I don't think we have any evidence that any external actors were involved in what happened in Chiapas. They may be, but we do not have any evidence of that and I haven't heard people talking too much about that anymore," said Alexander F. Watson, assistant secretary of state for inter-American affairs.¹⁷

Havana's reaction did not wait. "We are used to this type of statement," said Cuban Foreign Minister Roberto Robaina, when asked about Jones' allegations. "For the Americans, it is important to discredit the Cuban Revolution and therefore they cooked up the most blatant lies and slanders."¹⁸

12. Testimony of Juan E. Méndez, Executive Director, Human Rights/Americas, before the House Foreign Affairs Committee on Western Hemispheric Affairs, February 2, 1994.

13. Oscar Hinojosa, "Por el TLC, Salinas Omitió a la Guerrilla": Marcos," *El Financiero*, February 21, 1994, p. 64.

14. *La Jornada* (Mexico City), January 19, 1994, p. 1.

15. Carlos Puig, "Algunas de las armas y por lo menos un comandante de la rebelión en Chiapas son cubanos": Jones," *Proceso*, January 31, 1994, p. 56.

16. *Ibid.*

17. State Department press briefing, January 25, 1994.

18. Homero Campa, "Respuesta Inmediata del gobierno Cubano," *Proceso*, January 31, 1994, p. 57.

Julieta Noyes, deputy press attache in the U.S. Embassy in Mexico, denied that Jones had ever implied the Cubans were behind the Zapatistas. She admitted, however, that Jones said one rifle had a "registration number that indicated that it went through Cuba."¹⁹

Reassessing U.S.-Mexican Relations

Before the rebellion in Chiapas, U.S. intelligence services were taking Mexico for granted. The CIA's 1984 warnings to Ronald Reagan that there was "at least" a 1-in-5 chance that the Mexican government would collapse within the next five years — an event that would pose serious security problems for the U.S. — had been put to rest during the Salinas administration.²⁰

During his five years in office, Salinas' policies have been met with approval in Washington: He imposed drastic neo-liberal economic reforms, de facto reversing decades of economic nationalism; and begged Washington for NAFTA.

Thanks to Salinas, Mexico went from being a headache for U.S. foreign policy, to becoming the "model" for all Latin American nations who wished to enjoy a "special relationship" with the "Coloso del Norte."

Chiapas is, in many ways, the story of how Washington came to believe its own propaganda. George Bush was convinced that Salinas

would go down in history as the most reform-minded, pro-U.S. president Mexico ever had. Bill Clinton, who turned NAFTA into a life-or-death issue for his presidency, is as convinced about Salinas as his predecessor.

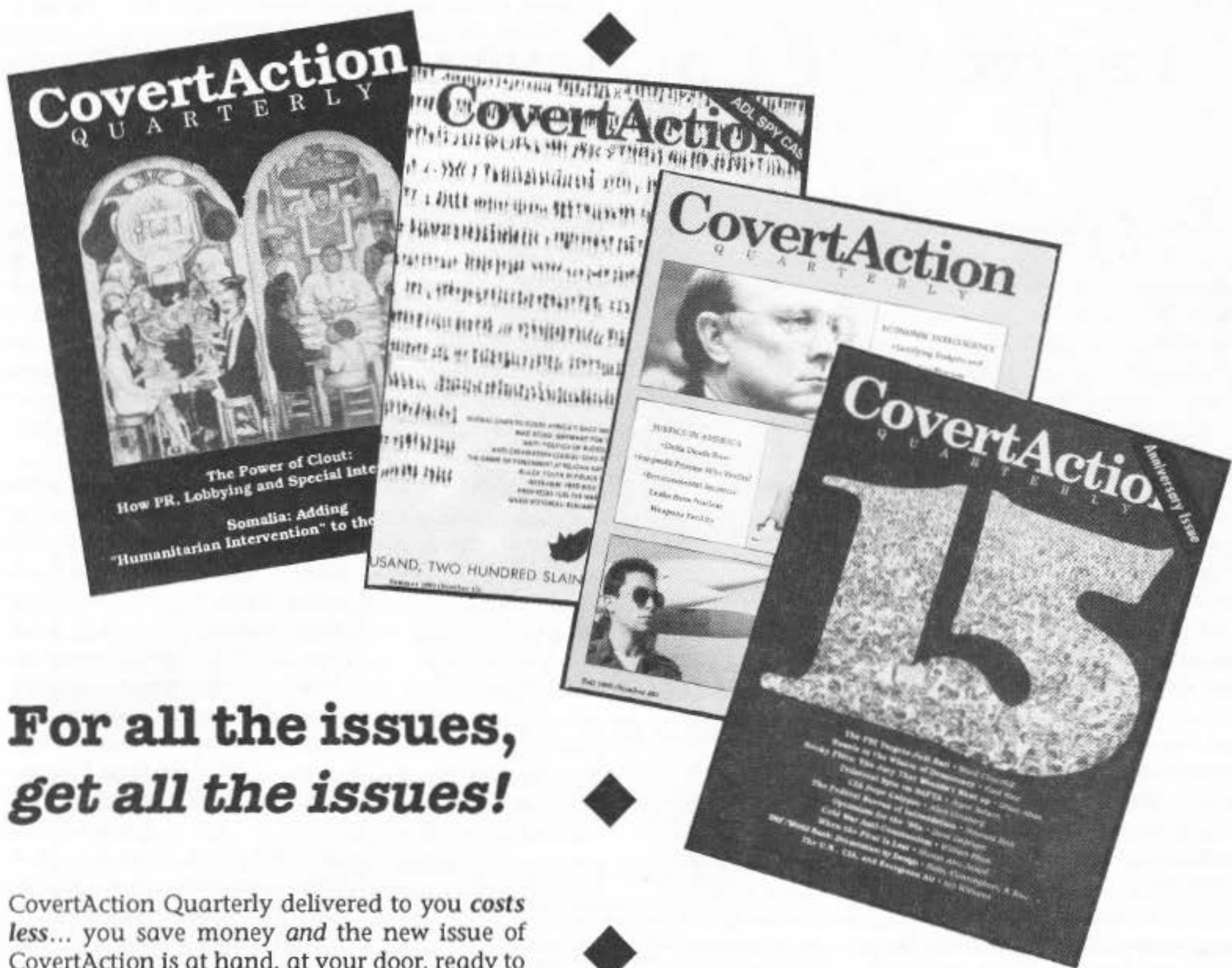
Many Mexicans hope that the rebellion will be a catalytic factor in closing the increasing gap between rich and poor and opening the door for a more democratic system. Washington and its intelligence services would prefer to see the uprising as an aberration. They hope that Mexico can still become part of the North American "paradise" despite the 40 million poor who will continue to fight, sometimes with arms, for economic and political recognition. •

19. Letter to editor, *Proceso*, "Inexacta, la cita de Jones, dice la Embajada," February 7, 1994, p. 56.

20. Jack Anderson, "Reagan Warned of Instability in Mexico," *Washington Post*, June 27, 1986, p. C19.

Corrections from CAQ #47:

The photo on p. 35 is Larry Kramer. Several photo credits in Ward Churchill's "The FBI Targets Judi Bari" were mistakenly attributed to David Cross. The death threat (p. 4) reproduces a xerox provided by Judi Bari. The two photos of Bari's bomb-damaged car (p. 5) were taken by the Oakland Police. The photo of Irv Sutley (p. 7) was taken by a photographer who does not wish to be credited. The David Cross photo of Judi Bari (p. 7) was taken August 14, 1990.



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Festive CNP Conclave in St. Louis

Chip Berlet

Some 200 attendees¹ at the October 1993 Council for National Policy (CNP) meeting in St. Louis opened their conference kit and found a terse one-page secrecy manifesto from CNP executive director **Morton C. Blackwell**, warning them about "specific rules regarding our meetings." One rule is: "The media should not know when or where we meet or who takes part in our programs, before or after a meeting."

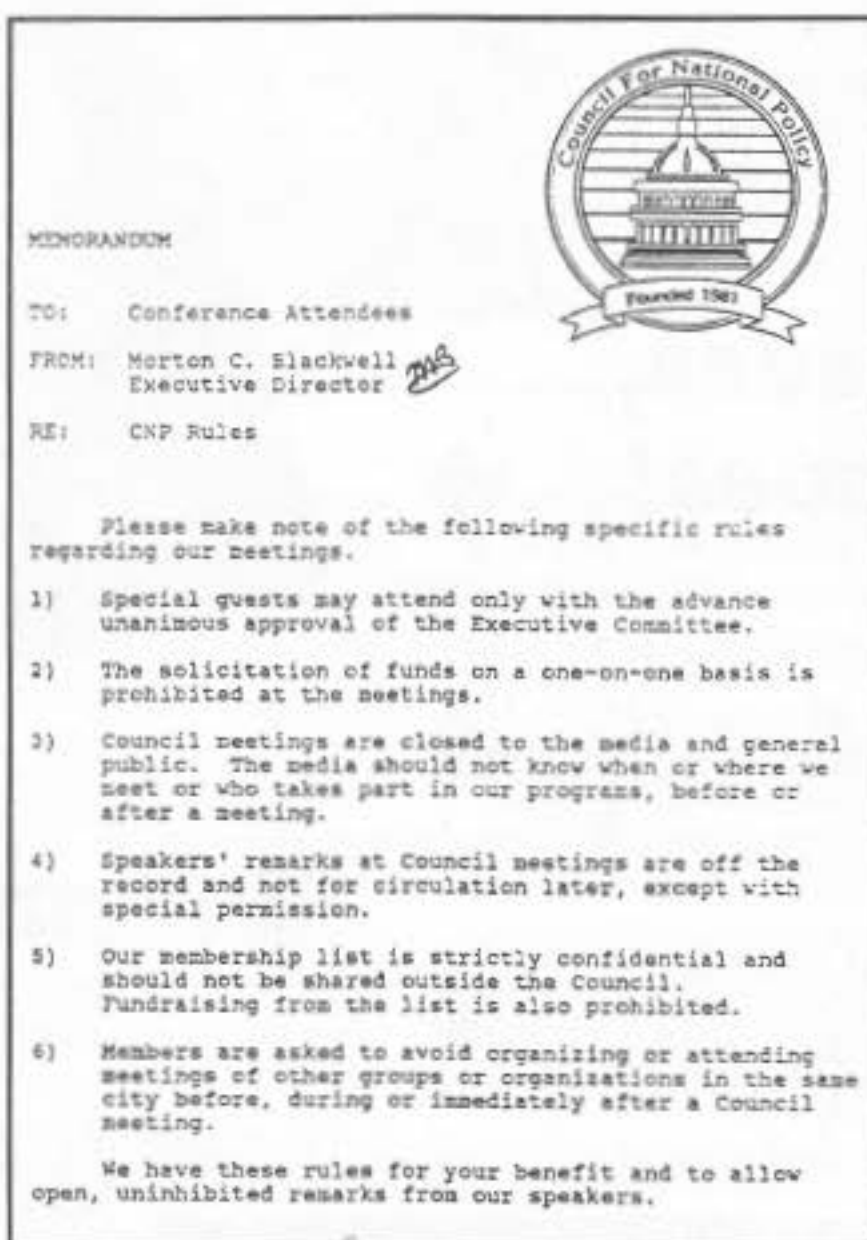
Telephone CNP offices and the discreetly vague person who answers will tell you that, although the group is indeed a tax-exempt non-profit, "The CNP is a private organization. It has long been our policy not to discuss our speakers, the members who belong, or our visitors. In this way, we are able to meet and discuss issues freely without having reporters present. So I couldn't give you any more information." In fact, the CNP won't discuss where and when it holds its meetings, or even confirm or deny if it holds meetings at all.

One reason for the secrecy, according to investigative reporter Russ Bellant, is that CNP is devoted to networking the "foremost right-wing activists and funders in the United States."² CNP is an important and influential institution within the U.S. ultra-conservative right. It trains key political activists, promotes discussions of right-wing strategies among leading operatives and funders, shapes how issues are chosen and framed, and mentors young activists on the way up the reactionary ladder. In itself it has little power, but its members are key players who are networked by CNP. Despite its tax status, CNP is run like an exclusive club. Should you be able to afford the \$2,000 yearly fee, your membership application still has to be accompanied by a nomination and seconded by two current members, and be approved by a confi-

dential unanimous vote of the executive committee. Along with wealth and power, the ideal CNP candidate appears to be an ultra-conservative Christian evangelical who is comfortable with racism, sexism, homophobia, paranoid anti-communism, and who has a distaste for liberalism and mass democracy. Still, it must be noted, the CNP is reaching out to include sufficiently right-wing non-Christians and people of color. In 1992, the first black was given the "Thomas Jefferson Award for Servant Leadership": **Clarence Thomas**.³

The executive committee of CNP is a hall of fame for reactionary political operatives: **Holland H. (Holly) Coors**, vice chair and board of trustees for A Christian Ministry in the National Parks and on the board of directors, Adolph Coors Foundation; **Edwin J. Feulner**, head of the Heritage Foundation; former Attorney General **Edwin Meese III**, now also with the Heritage Foundation; **Howard Phillips** of the Conservative Caucus; **Reed Larson**, president of the National Right to Work Committee; and **Lt. Col. Oliver L. North**, among others.

According to Bellant, "The CNP was founded in 1981 when **Tim LaHaye**, a leader of Moral Majority, proposed the idea to wealthy Texan **T. Cullen Davis**. Davis contacted billionaire **Nelson Bunker Hunt** and from that point on they began recruiting members. By 1984, the Council had 400 members."⁴ LaHaye and others brought together representatives from the Religious Right, the [Reagan] White House, elected officeholders, the political Right, and right-wing businessmen. "They conceived of themselves as a rightist alternative to the establishment Council on Foreign Relations in New York City."⁵



Chip Berlet is an analyst at Political Research Associates, Cambridge, Mass.
1. *The Freedom Writer* (Great Barrington, Mass.), January 1994. CNP met again in February 1994 in Palm Beach, Florida, and is scheduled to gather in May in Virginia and in New Orleans in November.
2. See Russ Bellant, "Secretive Right-wing Group: The CNP," *CovertAction*, No. 34 (Summer 1990), pp. 17-20.

3. Past recipients include Ellen St. John Garwood (1989), funder for Oliver North's anti-Contra operations; Fred Schwarz, founder-director of the Christian Anti-Communism Crusade (1987), Reagan's Attorney General Edwin Meese, (1986); and William Bennett (1985), Reagan's secretary of education and drug czar.
4. Russ Bellant, *The Coors Connection* (Boston: South End Press, 1991); citing Greg Garland, "Conservative Council for National Policy got off to unlikely start," *State Times* (Baton Rouge), January 8, 1987, p. 6A.
5. *Ibid*; citing *Newsweek*, July 6, 1981; *State Times*, *op. cit.*

Bellant told *CovertAction* that his continuing research reinforces his view that CNP was, and is, heavily influenced by the John Birch Society. The Birchers hold that a conspiracy of liberals—operating on behalf of sinister elites who also control communism—seeks to undermine Christian Western values and restrict U.S. capitalist economic growth. Materials passed out at the St. Louis CNP meeting reflect Birch and other reactionary theories as interpreted by a variety of right-wing groups seeking support from CNP members. Some highlights of the get-together:

- America—A Call to Greatness, Inc. promoted its trilogy of books showing “How to take liberal scalps” in the fight to fend off “Secular Humanism,” “Military Disarmament,” “Homosexuality,” “New Age Philosophy,” “Corrupt Politicians,” “Environmentalism,” and “Secular Humanism” and “restore our Christian-based Constitutional Republic, the fountainhead of our freedoms.”
- New Yorkers for Constitutional Freedoms expressed fears that “religious freedoms and moral values are challenged on every front.” Its director, **Rev. Duane Motley**, is also president of the New Yorker’s Family Research Foundation, Inc., which sports a brochure citing **Ronald Reagan**, a **Gary Bauer** article in the *Phyllis Schlafly Report*, and **Dr. James Dobson** of Focus on the Family.
- The Intercollegiate Studies Institute offered a free lecture series for “select preparatory schools” in which right-wing luminaries such as former secretary of education and drug czar **William J. Bennett**, and authors **Christina Hoff Sommers**, **Dinesh D’Souza**, and **Walter Williams** discuss how feminism, affirmative action, and multiculturalism are putting America in peril and threatening Western culture.
- **Paul Weyrich**’s Coalitions for America urged “Judicial Nomination Activists” to block the appointment of Rosemary Barkett to the U.S. Court of Appeals.
- A bus took interested conference participants to the new Phyllis Schlafly Center in suburban Clayton, Missouri, where her Eagle Forum will promote “pro-family information, training and action.” **Linda Bean Folkers**, on the board of Maine’s L.L. Bean Company, was on the host committee for the tour which included a drive-by sighting of the “great St. Louis Arch.”
- **Phyllis Schlafly** herself co-chaired the CNP standing committee workshop on “Family” along with **E. Peb Jackson**. The standing committee on “Law and Justice” was co-chaired by **Edwin Meese III**, and **Judge Paul Pressler**, while “Institutional Reform” was co-chaired by **Pat Nolan** and **Richard Viguerie**. Meese is the current president of the CNP. **Paul Weyrich** introduced **Mayor John Norquist** of Milwaukee who delivered a speech on “School Choice: Education’s Future.” Weyrich has been the CNP’s secretary-treasurer and is currently on the CNP Board of Governors.
- At the Saturday evening reception, the CNP gave its “Winston Churchill Award” to writer **David Brock** whose articles in the *American Spectator* have ridiculed Anita Hill, among others. The award celebrates Churchill’s quote:



Leadership Institute
CNP Executive Director Morton C. Blackwell poses with his ex-boss, Ronald Reagan. Blackwell was Special Assistant for Public Liaison for three years.

“Victory at all costs, for without Victory, there is no Survival.” Former recipients include **Rev. Donald Wildmon** of the American Family Association, **Rep. Woody Jenkins** of the Louisiana State Legislature, **Rep. Penny Pullen** of the Illinois State Legislature, and **Ralph E. Reed**, executive director of the Christian Coalition. Later Saturday evening, **Linda Bean Folkers** was “Master of Ceremonies” for a program where **Rep. James M. Talent** (R-Mo.) gave the “Perspective of a House Freshman,” and **Ben Ngubane**, Minister of Health, KwaZulu Government, South Africa, explained “South Africa: The True Story.”

CNP Members of Interest Include:

Judie Brown, president of the American Life League; **Kathleen Sullivan**, chair of Eagle Forum of Illinois and founder and executive director of the National Catholic Coalition; **John A. Stormer**, author of *None Dare Call It Treason*, publisher of Liberty Bell Press, and the director of I Chronicles 12:32 Understanding the Times Ministry; and televangelist **John Ankerberg**, who sits on the board of directors of the National Religious Broadcasters.

CNP Executive Committee, 1994:

Holland Coors, **Rich DeVos**, **Edwin J. Feulner**, **Foster Friess**, **Preston Hawkins**, **Louis “Woody” Jenkins**, **Reed Larson**, **Edwin Meese III**, **Sam Moore**, **Oliver North**, **Howard Phillips**, **Paul Pressler**, **Ed Prince**, and **Michael Valerio**.

(Haiti, continued from p. 9)

1987, two officers of the Haitian army deserted and went to Florida, denouncing the fact they had been recruited in such a program involving political assassination. Colonel Ernst Prudhomme [now a junta member] was a key member of SIN and participated in the interrogation and torture of [Port-au-Prince mayor] Evans Paul, and of three other political figures [between September 1988 and 1990]. We had been the victim of SIN operations and tactics before and we wanted to see this intelligence unit affected exclusively to fighting drug trafficking, and we wanted it to come under civilian authority.²¹

"CIA," Elie continued, "had been working in close cooperation with [SIN]. In fact, they actually built up this agency and financed it." This relationship was facilitated by the relative autonomy of SIN which operates outside the chain of military command. In Elie's words, "according to Haiti's organization of the Ministry of Defense, SIN is an intelligence agency that depends directly from [*i.e.*, reports directly to] the Commander in Chief." While Elie found documents outlining his government's relationship with the U.S. Drug Enforcement Administration (DEA), "I never found any documents, documenting the accord, the agreement between the Haitian government and the U.S. government on SIN. There is one on drug trafficking, [but] none on SIN."²²

During Aristide's eight months in power, Elie's CIA contact at the U.S. embassy complained that SIN was out of control. "The CIA told me that it was very unhappy with the fact that its knowledge and its equipment and its money was being used for these very different purposes than the one they had intended. They were complaining to us that this agency which was being funded to infiltrate drug trafficking networks had in fact been exclusively doing 'political policy' to use a euphemism." In any case, by late summer 1991, Aristide and Elie decided to remove SIN from military control and direct it solely toward drug trafficking.

Take Back Your Tired, Your Poor

The September 30, 1991 coup aborted those plans. Having learned the lessons of the January 6, 1991 failed coup attempt by LaFontant, the military deployed troops under cover of night to prevent mass action in support of Aristide. Within two weeks, the military murdered 1,000 Haitians. By the end of the year another 500 were dead, thousands more summarily arrested and tortured, and tens of thousands in hiding.²³

President Bush and Secretary of State Jim Baker offered public support for Aristide. Speaking to the Organization of American States, Baker said the coup "has no legitimacy and will not prevail."²⁴ The U.S. suspended formal assistance, but

its commitment to restoring the leftist Aristide quickly revealed itself as largely rhetorical. On October 3, Bush, who had sent U.S. troops to Panama, Somalia, and the Persian Gulf, said he was "disinclined to use American force"²⁵ to restore Aristide, and only reluctantly joined OAS sanctions against the coup at the end of October.

Behind the facade of pro-democracy oratory, U.S. officials mounted a vicious disinformation campaign against Aristide, which continues today. Within a few weeks, "diplomats" and U.S. officials, usually behind a shield of source anonymity, were painting the deposed leader as a dangerous, violent, mentally unstable zealot. The campaign included a desultory list of actors from earlier wars in Central America. U.S. business interests, for example, enlisted former Assistant Secretary of State and admitted liar Elliott Abrams to lead the charge against the embargo on Capitol Hill.²⁶

By late January and early February 1992, despite the embargo, goods flowed into and refugees flowed out of Haiti. Oil shipments easily evaded the embargo, keeping the military functioning smoothly.²⁷ On February 4, Bush signalled the end of all but the flimsiest pretense of support for Aristide by excepting the assembly industry from the sanctions. At the same time, the U.S. cracked down on the refugees.

Frantic to avoid thousands of Haitians landing on U.S. shores, the Bush administration set up a processing facility at Guantanamo Bay Naval Base, Cuba, a month and a half after the coup. Haitians picked up by the Coast Guard were taken to the facility for a "prescreening" for political asylum. If Immigration and Naturalization Service (INS) adjudicators determined the refugees had a "credible fear" of persecution, they were "screened in" to the U.S. for a full-blown political asylum hearing; if not, they were shipped back to Haiti.

The rate of successful applications for asylum had more to do with U.S. policy objectives than the merit of individual cases or actual conditions in Haiti. "It was totally politicized," said a U.S. official intimately familiar with the program. "Whenever somebody from Washington went down to Guantanamo, the rate [of those granted entry into the U.S.] went down, and as soon as they left, it went back up again."²⁸ Interviewing officers were easily controlled because they lacked an overall understanding of how the program functioned. In early May, "when the interviewing officers found out, to their horror, that the Coast Guard was handing over the manifests [with the names and addresses of all Haitians being sent back] to the Haitian military on the docks, the rate [allowed into the U.S.] went through the roof for a couple of days."²⁹

On May 24, 1992, President Bush ended the controversial screening program altogether by ordering the Coast Guard to

21. *Ibid.* For a detailed, if somewhat apologetic, account of the CIA's relationship with SIN, see Tim Weiner, "C.I.A. Formed Haitian Unit Later Tied to Narcotics Trade," *New York Times*, November 14, 1993, p. A1.

22. *Ibid.*

23. "Return to the Darkest Days: Human Rights in Haiti Since the Coup," Joint Report from Americas Watch, National Coalition for Haitian Refugees, and Physicians for Human Rights, December 30, 1991.

24. "OAS Rallies to Haiti's Side," *Miami Herald*, October 3, 1991.

25. "The OAS Agrees to Isolate Chiefs of Haitian Junta," *New York Times*, October 3, 1991, p. A8.

26. Abrams is a board member of Caribbean Latin American Action, an organization that promotes U.S. business development in the region.

27. J.P. Slavin, "Tanker Breaks Embargo, Delivers Fuel to Haiti," *Miami Herald*, January 3, 1992.

28. Author's interview, November 1993.

29. *Ibid.*

summarily repatriate any Haitians picked up at sea, with no hearing whatsoever. The new policy forced Haitians seeking asylum to rely on "in-country processing" by hostile INS officers at U.S. Embassy facilities in Haiti, where military thugs carefully observed the process.³⁰

Although the policy flagrantly violates the fundamental principle of international asylum law,³¹ Bush attempted to justify it by denying that there was systematic repression in Haiti. "I am convinced," he said on May 28 in Marietta, Georgia, "that the people in Haiti are not being physically oppressed. I would not want on my conscience that...anyone that was fleeing oppression would be victimized upon return." At the time, the Haitian military was in fact stepping up repression in the countryside, and systematically attacking the grassroots development and social justice organizations which formed the skeleton of Haiti's delicate civil society.³²

Enter Wagner, Stage Far Right

The claim that the Haitian military was not engaged in systematic repression and the whisper campaign against Aristide have two elements in common. Each rests on the belief that poor Haitians — and their political aspirations — threaten U.S. interests. And each relies on slanted or bogus intelligence collected or created by the State Department, the Justice Department, and the CIA.

These two aspects of U.S. policy coalesce in one man — recruited from Hitler's military — with a long history of involvement in U.S. covert operations. In late February 1992, the INS dispatched Gunther Otto Wagner, senior intelligence officer at INS's Southeast Regional Headquarters in Dallas, Texas, to Haiti to investigate the reports of targeted persecution against refugees returned by the U.S. Over three months, Wagner and a group of State Department officers interviewed about 3,000 repatriated Haitian refugees.

30. For an analysis of in-country processing, see "No Port in a Storm: The Misguided Use of In-Country Refugee Processing in Haiti," Americas Watch/National Coalition for Haitian Refugees, Jesuit Refugee Services, September 1993.

31. Article 14, paragraph 1 of the United Nations Universal Declaration of Human Rights states, "Everyone has the right to seek and enjoy in other countries asylum from persecution." Found in Walter Laqueur and Barry Rubin, *The Human Rights Reader* (New York: Meridian, 1979), p. 199. The bedrock principle of refugee law is "nonrefoulement," that states shall not return people to areas where they are likely to be persecuted. Article 22, paragraph 8, of the American Convention on Human Rights (1969) reads: "In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions." The U.S. tacitly admits violating this principle by subsequently granting asylum (through in-country processing) to refugees picked up at sea and summarily returned to Haiti.

32. *Silencing a People: The Destruction of Civil Society in Haiti*, Americas Watch/National Coalition for Haitian Refugees, New York, February 1993.

According to Wagner's 160-page sworn deposition in the Haitian Centers' litigation, he personally interviewed 600 repatriates.³³ During three separate trips, neither he nor his colleagues found a single "credible" case of post-repatriation reprisal by the military. A joint Americas Watch/National Coalition for Haitian Refugees report described this effort as "a wholly slanted undertaking. As an exercise designed to illustrate the premise that repatriates do not face political

persecution, the surveys serve a public relations purpose. But as an attempt to discover whether repatriates encounter persecution, the surveys utterly fail."³⁴

Wagner's investigative method consisted of checking in with the local military commander, proceeding to a public gathering place, loudly announcing his own identity and asking if anyone knew of any repatriates, particularly any

who might have suffered reprisals.³⁵ Anyone who dared come forward was interviewed in public.

Even under these conditions, two to three percent of those Wagner interviewed reported that they were in hiding or felt threatened. In a grim Catch-22, Wagner dismissed their fears citing the absurd conditions of his own investigation. A person with a credible fear of persecution, he concluded, "would not have been in my presence. Because the individual is out in the street, as far as I am concerned, he is not hiding."³⁶

In late March and early April, State and INS produced three unclassified reports that were circulated to asylum officers at Guantanamo who used them to assess country human rights conditions. INS regulations require asylum adjudicators to weigh independent human rights reporting equally with U.S. government sources in evaluating political asylum claims. At Guantanamo, however, screening officers worked long hours, and the resource center holding country human rights reports was housed in a building far from the area where interviewers worked. While it was inconvenient for screening officers to obtain outside reports, INS management distributed Wagner's reports directly to the interviewers. One of Wagner's memos accused independent human rights groups of overstating the number of murders by at least three times.³⁷

33. Deposition of Gunther Wagner, *H.C.C. v. McNary*, May 5, 1992.

34. "Half the Story: Skewed U.S. Monitoring of Repatriated Refugees," Americas Watch/National Coalition for Haitian Refugees, June 1992.

35. Wagner Deposition, *op. cit.*, pp. 98-100.

36. *Ibid.*, p. 130.

37. "Haitian Situation Report: Repatriation," Department of Justice and Immigration and Naturalization Service, HQINT Dallas, Texas. Copy shown to author is undated, but was written after a March 1-14, 1992 trip by Wagner. At page II: "These credible sources placed the deaths countrywide at between 350 and 500 during and immediately after September 29, 1991, vs. media and activists' estimates at between 1500 and 2000."

In early April, Wagner followed up the reports with a briefing at Guantanamo. He told the asylum officers that 95 percent of Haitians seeking political asylum were making "fraudulent claims."³⁸ Yet, according to his own sworn statement, Wagner had never read asylum law or regulations, was not trained to adjudicate asylum claims, had no training in cross-cultural interviewing techniques, had never been to Haiti before, had not read State Department country reports on Haiti, and could neither identify Haitian political parties nor accurately recall Aristide's popular nickname.³⁹

The Torturing Cycle

Wagner *should* have been able to identify victims of repression. He devoted the first half of his U.S. government career to helping various dictatorships target them. Wagner was recruited out of Hitler's German Air Force into the U.S. Army's security police in Occupied Germany, with German state and municipal police forces from 1946-51 and as chief investigator with the U.S. Army Security Police Western Area Command from 1951-55. He came to the U.S. in 1955 and was naturalized in 1960.

In 1966, he went to Vietnam as senior Public Safety Adviser under the Office of Public Safety (OPS) of AID. OPS was founded by the CIA in 1962 under an AID umbrella and was often used as a cover for covert operations in Southeast Asia. Wagner was a regional adviser to the Vietnamese National Police Special Branch, a key participant in the CIA-sponsored Phoenix program in which tens of thousands of Vietnamese civilians were summarily arrested, tortured, disappeared, and murdered. He moved on to Managua in 1971 as senior Public Safety Adviser to the Somoza regime, staying on as a consultant when Congress abolished OPS in 1975 after its role in underwriting torture in various countries was revealed.⁴⁰ Wagner refused interviews through the INS press office, but according to Douglas Valentine, who interviewed him extensively for his book *The Phoenix Program*, Wagner personally trained Enrique Bermúdez, who later became military commander of the largest Contra force.⁴¹

State Department officials assisted Wagner. A review of more than 200 pages of unclassified cable traffic from the first half of 1992 between the U.S. embassy in Port-au-Prince and Washington reveals the underlying assumption that Haiti is suffering a plague of liars. The cables concerning persecution of repatriates are often sarcastic — a section of one is titled offhandedly, "Another refugee claim debunked."⁴²

The CIA Weighs In

Not to be outdone by their State Department and INS colleagues, the CIA weighed in during the summer, dispatching

analyst Brian Latell. As publicly acknowledged National Intelligence Officer for Latin America, Latell is the intelligence community's senior analyst on Latin American affairs. In a memo dated July 21, 1992, he offered his "Impressions of Haiti:"

I do not wish to minimize the role the military plays in intimidating, and occasionally terrorizing real and suspected opponents, but my experiences confirm the community's view that there is no systematic or frequent lethal violence aimed at civilians.⁴³

Just a few weeks before Latell's visit, the military had switched front Prime Ministers, jettisoning U.S.-funded human rights activist Jean-Jacques Honorat in favor of failed U.S.-backed presidential candidate, Marc Bazin. Latell gushed about Bazin and the coup leader, Army Chief of Staff Raoul Cedras:

These meetings reinforced my view that Bazin and his [civilian] supporters are perhaps the most promising group of Haitian leaders since the Duvalier family dictatorship was deposed in 1986....Gen. Cedras impressed me as a conscientious military leader who genuinely wishes to minimize his role in politics, professionalize the armed services and develop a separate and competent civilian police force. I believe he is relatively moderate and incorrupt.⁴⁴

At the time of Latell's visit, several Haitian officers and enlisted men were finishing training courses at Fort Benning, Georgia, despite official denials. As with the 1987 aid cutoff, the Bush administration's "disengagement" from the military was largely fictional. Publicly, Pentagon officials insisted that although Haitians attending classes at the time of the coup could finish up, no additional Haitians could start courses. According to lists obtained by the National Security News Service in Washington, D.C., however, at least ten Haitian officers completed English-language classes begun before the coup, and then began other training courses, most at Fort Benning.⁴⁵

Patrick Elie says that shortly after the coup, Aristide supporters monitored radio transmissions in which Col. Joseph-Michel Francois was heard ordering a company of soldiers to open the airport to receive contraband shipments.⁴⁶ Francois, who promoted himself to national chief of police after the coup and is one of the most powerful junta members, trained at Fort Benning.⁴⁷ He reportedly controls thousands of paramilitary *attaches*, and, in Duvalier style,

38. Deposition of Scott Busby, *H.C.C. v. Sales*. After Wagner's briefing, some asylum officers complained; asylum branch director Greg Beyer instructed Guantanamo management to make certain that asylum officers were exposed to all sources of human rights reporting about Haiti.

39. Deposition of Gunther Wagner, *H.C.C. v. Sales*, May 5, 1992, pp. 40-46, 97.

40. *Latin America and Empire Report*, NACLA, February 1976, p. 24; Wagner Deposition, pp. 7-11.

41. Pacifica Radio National News, February 12, 1993.

42. Author's review of unclassified Department of State cable from U.S. Embassy, Port-au-Prince, to Secretary of State, February 14, 1992.

43. Christopher Marquis, *Miami Herald*, reprinted as "CIA Memo Discounts 'Oppressive Rule' in Haiti," *Washington Post*, December 19, 1993, p. A21.

44. *Ibid.*

45. "IMET Foreign Military Trainees From FY84 thru FY93," Defense Department Report dated November 15, 1993, provided to author by National Security News Service, Washington, D.C.

46. Elie press conference, *op. cit.*

47. Anne Marie O'Connor, "A little known soldier becomes Haiti's police chief: Major received training in Ft. Benning, Ga.," *Atlanta Journal and Constitution*, October 11, 1991.

has packed the public payroll with family and friends.⁴⁸ Aristide's government told U.S. intelligence officials about the midnight flight, but the U.S. still seems to view the Haitian military as drug warriors. Despite the embargo, the U.S. continues to share "anti-narcotics" intelligence with the Haitian military.⁴⁹

INS's, State's and CIA's analyses — and the Pentagon's continued embrace of the Haitian military — all dovetailed neatly with Bush's assertion that there was little repression in Haiti. Another politician, however, disagreed with Bush and Latell. Three days after Bush announced summary repatriation, Democratic presidential candidate Bill Clinton denounced the move as "another sad example of the administration's callous response to a terrible human tragedy....If I were president, I would — in the absence of clear and compelling evidence that they weren't political refugees — give them temporary asylum until we restored the elected government of Haiti."⁵⁰

Clinton's election spurred another round of smears and phony intelligence. On November 18, the *Miami Herald* warned that "U.S. reconnaissance photos taken over Haiti November 6 show 717 sailboats on the ground. Of those, 610 are ready, and 107 are still under construction. Clearly the means is at hand for a massive exodus of Haitians to South Florida."⁵¹ As Clinton's inauguration drew near, the boat sightings and expectations for the exodus reached a fever pitch. U.S. Coast Guard commandant Admiral J. William Kime announced that 1,400 boats were ready and another 200 under construction, preparing for an exodus which could involve "several hundred thousand" Haitians.⁵²

Coast Guard officials admitted that they gleaned their information from the media rather than from observation. Attorney Michael Ratner of the Center for Constitutional Rights, who actually visited Haiti at the time, believes the reports of boats and impending exodus were wildly exaggerated. "One of the things we specifically set out to do was find boats. We found three boats. Now, we didn't go to every beach, but we fanned out in three teams. The area is so deforested that you can see a lot. I took a car all the way up the coast from Port-au-Prince, stopping frequently. We didn't see any crowds. There are no crowds of people anywhere in Haiti. Even an outpouring of 50,000 people would be so massive for Haiti, given the poverty, number of boats and difficulty in moving around, that it's just not realistic."⁵³ Indeed, it had taken nine months for 37,000 Haitians to flee after the coup.

The hysteria had a predictable effect. On January 14, under pressure from Florida politicians, Clinton made Hai-

tian refugees the first victims of a series of broken campaign promises, draping the betrayal in a mantle of unctuous humanitarian concern:

For Haitians who do seek to leave Haiti, boat departure is a terrible and dangerous choice....For this reason, the practice of returning those who flee Haiti by boat will continue, for the time being, after I become president. Those who do leave Haiti...by boat will be stopped and directly returned by the United States Coast Guard.

At the same time, Clinton pledged a vigorous effort to restore Aristide, arguing that the ultimate resolution of the refugee crisis lay in solving the political crisis. He then appointed Lawrence Pezzullo, Carter administration Ambassador to Nicaragua, as special envoy. The apparently renewed commitment to Aristide added a new element to the disinformation campaign. As Clinton came into office, the CIA was preparing a National Intelligence Estimate on Haiti, incorporating Latell's analysis of the political situation.⁵⁴

Crazy Allegations

Within a few months, fissures had opened up between the intelligence community and the Clinton administration. In early July, Pezzullo brokered an agreement between Aristide and the military at Governor's Island, New York. Aristide reluctantly agreed to a blanket amnesty for the coup plotters, all of whom except Cedras would be allowed to stay in the military. The military high command agreed to Aristide's return on October 30, and the U.S. agreed to participate in an international effort to train and professionalize the Haitian military.

A month after the agreement was signed, the CIA's psychological profile of Aristide surfaced; it concluded that he was mentally unstable and out of touch with reality. In an article in the *New York Times*, Elaine Sciolino quoted anonymous White House and administration officials downplaying the report. "There is an ideological overlay to some of the official analysis," one senior official told Sciolino, while another dismissed the profile as a "caricature" based on secondhand information.⁵⁵ Nevertheless, the allegations helped U.S. officials push Aristide for concessions, portraying his obstinacy as the primary obstacle to peace.

Meanwhile, the Haitian military, while escalating repression throughout the country, began systematically ignoring its commitments at Governor's Island. The junta's recalcitrance was symbolized by the brazen September 11 murder of businessman Antoine Izmyery, close friend and financial backer of the exiled President. Thugs in civilian dress dragged him from a church and shot him dead in the street. On October 12, in perhaps the most stunningly ridiculous incident in a story filled with gruesome comedy, a small band

48. Don Bohning and John Donnelly, "The Enforcers: Who are the attaches? They are outnumbered, but have the bullets," *Miami Herald*, October 17, 1993.

49. Douglas Farah, "U.S. Shares Anti-Drug Data With Haiti's Military," *Washington Post*, October 24, 1993.

50. Clinton campaign statement, May 27, 1992.

51. Editorial, "Be firm, fair on Haitians," *Miami Herald*, November 18, 1992.

52. Douglas Farah, "Haitians Preparing Boats Denounce Policy Shift by Clinton," *Washington Post*, January 16, 1993, p. A19.

53. Author's telephone interview, January 19, 1993.

54. Comments of Director of Central Intelligence R. James Woolsey on the Diane Rehm show, syndicated nationally on the American Public Radio network, December 15, 1993. Woolsey refused comment on the content of the estimate, but publicly backed Latell's views.

55. Elaine Sciolino, "Haiti's Man of Destiny Awaits Transition From Political Martyr to Statesman," *New York Times*, August 3, 1993, p. A1.

of gun-toting, machete-wielding goons faced down the U.S. Navy. The U.S.S. Harlan County, carrying the first detachment of military trainers, turned tail after a small mob of thugs bounced cars and shouted threats from the Port-au-Prince docks. As it became obvious that the Haitian military would not permit Aristide's return, some legislators and commentators began to call for armed U.S. intervention.

Enter Latell, Stage Extreme Right

On October 20, Brian Latell⁵⁶ addressed a gathering of senators, mostly Republicans, at the invitation of Sen. Jesse Helms (R-N.C.). According to press reports of the briefings, Latell recycled the lie that Aristide had been hospitalized in Montreal for mental illness in 1980, and the habitual distortions of his human rights record. Based on the briefing, Helms denounced Aristide as a "psychopath" unworthy of support.⁵⁷ The disinformation, however, served its purpose: It helped take the steam out of proposals to expand the embargo or intervene.

Clinton administration officials and congressional Democrats lamented the "one-sided" reports. Despite this ineffectual support, the alacrity with which the CIA, State Department, and INS gathered and disseminated flawed "intelligence" suggests that substantial portions of the U.S. foreign policy bureaucracy view Aristide and the popular movement as a threat. The CIA has even rejected intelligence from the Aristide government. Patrick Elie says that the Aristide government-in-exile offered the Agency the services of a nationwide network of Haitian agents to ferret out information on drug trafficking. Unlike the military, notes Elie, "We do have the trust of the Haitian population." Both the CIA and DEA spurned the offer.⁵⁸

Prospects for Aristide's return do not look good. Despite U.S. rhetoric and tepid gestures of support, Aristide's presidency and the movement he represents do present a real threat to U.S. regional interests. Simply the fact that he is a strong supporter of liberation theology is a problem for the U.S. According to Father Roy Bourgeois, director of School of the Americas Watch, adherence to liberation theology — which teaches the poor to organize and resist exploitation — marks him as an enemy of the state. A five-year instructor at SOA told Bourgeois that the School teaches Latin American security forces to view the liberation church as a threat to national security, and priests who espouse it as subversives.

With a powerful pseudo-democracy enhancement apparatus prepared to supplant genuine grassroots organizing, deep institutional ties to the Haitian military, an ingrained mistrust of liberation theology, and powerful business interests determined to maintain Haiti's business climate, the U.S. foreign

policy bureaucracy presents a profound threat to Haitian democracy. Balancing the threat are Clinton's tepid personal support for Aristide and the refugees.

Some elements in the actions of the intelligence community and foreign policy bureaucracy are attempting to undermine Clinton's publicly stated support for Aristide. During the 1970s, Sen. Frank Church (D-Idaho) speculated that the CIA had become a "rogue elephant," but his own investigation, and that of the Pike Committee in the House, found that virtually all covert operations were in fact undertaken at the direction of the President and his Cabinet. Now, nearly two decades later, it appears again that the CIA is undermining the stated policy of a sitting president.

It is easy, however, to overstate the degree of conflict between the president and the national security apparatus. From the outset, Clinton has been unwilling to expend the necessary political capital to combat hardliners, whether in Port-au-Prince, Washington, or Langley. Clinton betrays his own stance on democracy in Haiti with his refugee policy. By returning refugees, he lends credence to the view that human rights conditions in Haiti are tolerable enough to permit in-country processing, which in turn subverts the urgency of returning Aristide. Thus, although the conflict between Clinton and the bureaucracy raises troubling questions of accountability, it is far outweighed by the inherent contradictions within Clinton's own positions.

Haitian emigration, long a focus of U.S. racist fears and paranoia, seems the administration's most vulnerable point. Indeed, when Aristide scheduled an international conference in Miami on January 15, to reexamine refugee policy, the administration went into overdrive, forcing the exiled president to change the focus of the agenda to finding new strategies to revive the corpse of the Governor's Island accord.

Given the hostility to Aristide among the Haitian and U.S. elites, he appears unlikely to return much before the expiration of his term in 1995. At the Miami conference, Jesse Jackson suggested that Aristide's term should be viewed as on hold from the day of the coup until the day of his return. "Cedras and Francois must know that they will be leaving soon, and when they leave, his term starts up again from that day."⁵⁹

By raising the issue, Jackson spat into the teeth of the disinformation campaign. U.S. officials and journalists often sum up the smears by implying that Aristide is "just like Duvalier." Thus, any attempt to extend his term beyond its constitutional length will likely be met with a furious propaganda volley. As the formal expiration date of Aristide's presidency approaches, the U.S. may push the military again, as it did in 1990, to hold elections. This time, however, the unifying leader of the popular movement will be ineligible, the movement itself will have suffered four years of systematic assault, and U.S. dollars will have a much greater opportunity to promote an acceptably "moderate" candidate. •

56. Latell is best known for writing speculative profiles of Fidel Castro, dismissed by one colleague as "psychofiction," and for producing an inflammatory estimate predicting revolution in Mexico in 1984 at the behest of the late CIA director William Casey; see Bob Woodward, *Veil* (New York: Simon and Schuster, 1987), pp. 340-41. Reached by telephone at his home, Latell refused comment on Haiti.

57. R. Jeffrey Smith and John M. Goshko, "CIA's Aristide Profile Spurs Hill Concern," *Washington Post*, October 22, 1993.

58. Elie press conference, *op. cit.*

59. "Highlights From the Miami Conference: What Was Said," *Haiti Info*, January 23, 1994, vol. 2, #10, p. 4. *Haiti Info* is published every two weeks in Haiti by the Haitian Information Bureau, an alternative news service.

(Iran-Contra Report, continued from p. 15)

Islamic fundamentalists in Lebanon. That the hostages were taken prisoner in retaliation for U.S. intervention in August 1982 on the side of the fascist Phalange in Lebanon is seldom mentioned in characterizations of the U.S. mission in Lebanon as "peace-keeping." Again, had Congress invoked the War Powers Act, the state-sponsored terrorism of the battleship USS New Jersey, which launched dozens of car-size bombs from its 16-inch guns into the Shiite slums, might not have produced the seizure of hostages by Hezbollah or the suicidal car bombs that killed 241 Marines and 48 French paratroopers.²⁸ Instead, Congress winked at the involvement of Israel, which captured weapons from the PLO and shipped them to the Contras as part of a joint "strategic initiative."

Casey's main concern was William Buckley, his station chief in Beirut, who earlier had worked in Pakistan to build up that barbaric insult to Islam, Gen. Muhammad Zia al-Haq, and the heroin-dealing Afghan faction of Gulbeddin Hekmatyar. In 1983, in retaliation for Buckley's kidnapping, Casey even hired local Phalangist hit-men (through Saudi cut-outs, but the Israeli hand was suspected) to blow up Sheikh Mohammad Hussein Fadlallah, the spiritual adviser to Buckley's captors. The car bomb exploded as worshippers left Friday prayers at the mosque, killing dozens who don't count in any congressional or judicial proceeding to date, except perhaps as the loved ones of future martyrs to holy war against the Great Satan. William Casey, attorney, historian, and spy, did not answer for his career as terrorist, war criminal, and murderer.

Ultimately, four shipments of missiles would be sent to Iran in exchange for hostages; profits were diverted to buy yet more weapons for the Contras. The arms sales to Iran contravened Reagan's promise never to bargain for hostages, let alone trade arms for them. It also violated the law, specifically, the Arms Export Control Act. Vice President George Bush, Secretary of State George Shultz and Defense Secretary Caspar Weinberger advised against it, but acquiesced even as they worried that impeachable offenses had been committed. Since no Finding had been issued by the president to make the first missile sale legal, his aides phoned one up and backdated it when the deal was exposed. Once exposed, they defended it as "retroactive," covered it up and lied some more.

The diversion — what North called the "secret within the secret" — violated not only the congressional restriction on

28. I am not among those who believe the invasion of Grenada was motivated by Reagan's desire to bury the Marine-barracks debacle in an avalanche of jingoist headlines. The administration had been plotting to get rid of the island's New Jewel Movement since the Reagan transition team in 1980, working with the Council on Inter-American Security, issued its "Santa Fe" documents on proposed policy in Latin America. Besides the Sandinistas, targets included the Salvadoran guerrillas and Panama's Omar Torrijos, who died in a mysterious plane crash in July 1981 and was succeeded by CIA retainer Manuel Noriega.

lethal aid, but also the fundamental constitutional authority of Congress to appropriate funds. North portrays this crime as an act of heroism — of presidential courage, hence derivative courage on his part, since he was just following orders — but the blunders proved otherwise: North gets Ross Perot to put up ransom money for a couple of DEA agents to pay a snitch to locate the hostages; the snitch disappears with the money. North leaks word that he's using Anglican church official Terry Waite; Waite disappears into captivity. North coordinates air-drops to the Contras; the goods miss their mark and eventually the Sandinistas shoot down a plane.

No Honor Among Thieves

What distinguished Iran-Contra was precisely that it never was a secret, no matter how highly classified the operational details. It was simply too big for that, and the much-publicized investigations by Congress and the courts never got much beyond who lied most brazenly about what everybody knew all along. Or, as a friend put it, "What did the president know, and when did he forget to know it?"

Washington's warmaking was never a secret to its victims, but in U.S. calculus, victims don't matter, voters do. Therefore, how a policy is packaged and sold means more than the substance of who benefits and who suffers. The public scandal was not the policy itself, which ravaged much of Central America, postponed any hope of peace in the Middle East, and helped the regimes of Iran and Iraq butcher two million of their own and each other's people. Rather the official indignation was that of a criminal who finds he's been bamboozled by a sneakier co-conspirator: "How could you?" And to the extent that many voters (and citizens too disgusted or apathetic to vote) found all this "just politics," North is right: Not enough people give a rat's patootie.

The exposure of the "secret" policies laid bare a political marriage of convenience whose bastard offspring were the Nicaraguan counterrevolutionaries. As in any marriage, the partners had different perceptions of who was doing what to — and with — whom; that is, they carried with them different levels of deception and self-deception: Generally, Democrats deceive themselves, while Republicans deceive the rest of us. That's why the Democrats expressed such shock and outrage as the truth about flirtations with Iran's regime in peddling arms for hostages unfolded, and that's why the Republicans cried foul at having been caught with their collective patootie exposed.

The crash of Eugene Hasenfus' resupply plane in Nicaragua on October 5, 1986, made the "covert" operation undeniable, but did not stop the denials. Another blunder by can-do Ollie. (In fact, when the same plane nearly crashed on a previous mission, the pilot had warned Secord's men.) One hostage in Lebanon, David Jacobsen, was released Novem-

• "filled with distortions...a grand delusion...unconscionable act of deception...a refuge for...false statements and infirm musings about some Oliver Stone-type conspiracy...bizarre...thoroughly defective...dishonest and cowardly" — Edwin Meese III • "a cheap shot"

ber 2; a day later, a Lebanese magazine, *Al Shiraa*, described the trip of Bud and Ollie, bearing a Bible and a cake in the shape of a key, to Teheran. Reagan, Oz-like, said not to believe "that rag" in Beirut. His party lost control of the Senate, but support for the Contras was assured.

Perhaps the most bizarre twist came a few days later, in Reykjavik, Iceland, where Soviet Premier Gorbachev proposed rapid nuclear disarmament, replete with all the guarantees of mutual inspection so long demanded by the U.S. When Reagan accepted, many Democrats in Congress said Reagan had lost his senses at the very moment he had found them, albeit temporarily. He was soon to lose them again in a lapse of memory so grand, it came to characterize his presidency.

The Coverup

The congressional hearings in the summer of 1987 did not get at the truth so much as inspire the coverup. Perversely, they became a forum for Republicans, through North, to accuse Democrats of abandoning those brave Contras in the field, to ridicule the second-guessing of foreign policy, to berate the hypocrisy of those who denied this vital aid, then switched back — the very month that the scandal exploded — to authorize \$100 million²⁹ that exceeded the combined total of \$47 million that flowed through "Enterprise" accounts from the "private aid" network and the arms-sales diversions. Democrats like Sen. Daniel Inouye (D-Hawaii), chair of the Senate proceedings, defended their support of the Contras. The Contras continued their lethal work, legally, constitutionally, and with predictably deadly results.

In retrospect, the only usefulness of the hearings — other than as an alternative to soap operas — was to provide a record for comparison to prior and subsequent statements. For Walsh, however, the hearings were an insurmountable obstacle to establishing the burden of proof. From the outset, his hands were tied ideologically (he is himself a conservative Republican and former assistant attorney general) and legally (neither the Boland Amendment nor the Arms Export Control Act contained any provision for enforcement). They are not criminal statutes, although private citizens, some of whom claimed to have operated on government authority, were prosecuted, convicted and sent to jail for precisely the same acts as the officially sanctioned privateers who openly flouted these laws.³⁰ Walsh would focus not on fixing the political responsibility for the ends of the policy, but on the legality of their means. He would necessarily focus on the

29. The funds were released October 17, 1986, after Abrams and others assured Congress that Hasenfus and his crew-mates were not CIA employees — true enough, technically — but lied about the role of former CIA officer Felix Rodriguez, his ties to Bush's national security adviser and former CIA officer Donald Gregg, and the connections of the "private benefactors" to government officials.

30. Lawrence Lifschultz and Rabia Ali, "The Trial and Conviction of Arif Durrani," *CovertAction*, Number 38 (Fall 1991), pp. 36-39.

smaller fry, the operational personnel who were just following orders. Only Congress itself held the power to impeach those who issued them.

In the spring of 1987, Carl R. "Spitz" Channell, a professional fundraiser, and Richard R. Miller, a public relations flak, pleaded guilty to conspiracy to defraud the U.S. by using a tax-exempt foundation to raise money for the purchase of lethal materiel. As part of the bargain, Channell and Miller fingered North as their co-conspirator; both were sentenced to two years' probation.³¹

North's boss, Robert C. McFarlane, National Security Adviser to the President from October 1983 to December 1985, attempted suicide after his congressional testimony. Fall on his sword to protect his king? Nothing so noble. He spilled his guts, then took a few Valium for the shame of it. In March 1988, he pleaded guilty to four misdemeanor counts of withholding information from Congress by denying that North provided military advice and assistance to the Contras and that he and others had solicited funds from foreign governments, including \$32 million from Saudi Arabia and \$10 million from the Sultan of Brunei. In return for his testimony, McFarlane received two years' probation, a \$20,000 fine and 200 hours of community service. Although McFarlane served as Walsh's Beatrice for the descent, many of his claims that higher-ups had approved of the machinations could not be corroborated until the discovery years later of contemporaneous notes kept by Weinberger and Shultz and their subordinates of key meetings with Reagan.³²

With McFarlane's guilty plea and slippery memory, Walsh's investigation proceeded. On March 16, 1988, a grand jury returned a 23-count indictment against Poindexter, North, Secord and Hakim. Count One charged the four with conspiracy to defraud the U.S. by supporting military operations against Nicaragua while they were prohibited by Congress; using the sales of U.S. government property to Iran to raise funds to be spent at the direction of North rather than Congress; and overcharging Iran to generate profits for the Contras — what North thought was "a neat idea" to get the Ayatollah to pay the bill for Congress' pusillanimity. The Justice Department filed an *amicus* brief supporting North's contention that the charge should be dismissed. U.S. District Judge Gerhard Gesell upheld the count, but it was dismissed later because the Reagan administration refused to declassify information North claimed was necessary to his defense.

While Gesell's ruling established that conspiracy to subvert civil laws like the Boland Amendment and the Arms Export Control Act is itself a criminal act, the dismissal effectively barred Walsh from bringing the higher-ups to

31. Miller's indictment and plea agreement are found at Vol. II, p. 5; Channell, p. 11.
32. Vol. I, Ch. 1, pp. 79-104; Vol. II, pp. 17-30; Vol. III, pp. 397-400.

— Richard R. Miller • "does not make it clear that I was asked to help in a matter in Beirut, Lebanon — not Iran Contra or Nicaragua" — Ross Perot • "unnecessary and unflattering slurs" — Amb. Nicholas Platt • "offensive and prejudicial"

trial. Under the Classified Information Procedures Act (CIPA), Congress gave the Attorney General complete discretion to decide whether to declassify information necessary for trial, even in cases where an Independent Counsel is appointed because the attorney general has a conflict of interest. "This discretion gives the attorney general the power to block almost any potentially embarrassing prosecution that requires the declassification of information."³³

CIPA was a product of Watergate.³⁴ Designed to prevent "greymail" of the government by former intelligence operatives who threatened to spill secrets if prosecuted, CIPA prescribed a closed hearing in which defense and prosecutors were themselves sworn to secrecy. If the judge ruled that classified information was necessary to the defense, the government had to reveal it or choose not to prosecute. In practice, CIPA has been at best a charade; at worst, a mechanism for hiding selective prosecution under a national security blanket. Like Watergate itself, it is a covert operation designed to find out what political rivals knew about earlier covert operations. As Nixon himself explained in one of the tapes he didn't destroy, if the burglary weren't covered up, and the burglars not bribed into silence, they might bring up "the Cuba thing" — secret illegal campaign contributions to buy candidates and elections, up to and including the assassination of foreign heads of state, perhaps even the assassination of an American head of state. In short, the people might find out that democracy itself was a fraud.

Like its predecessor scandal, with which it shared attributes and even personnel, what was ultimately at stake in Iran-Contra was the legitimacy of the government itself, the right to rule. Congress itself allowed North to play the martyr and scapegoat. The more he blabbed, the less useful his confessions. Because North, Poindexter, and Hakim had testified at congressional hearings under a grant of immunity (meaning that none of that witness's testimony could be used against himself), Gesell severed their trials.

Congress could have decided to impeach Reagan, but the Democrats opted instead to try to wound him through the televised hearings and allow voters to make a political judgment in the 1988 elections. George Bush became a target of the investigation, but was not indicted; on the eve of the 1992 election top aides to Reagan were, including Secretary of Defense Caspar Weinberger. The Republicans claimed Walsh was trying to influence the election, but the scandal was not

much of an issue by then. After his defeat, Bush pardoned Weinberger and others on Christmas Eve.

Throughout the 1988 presidential campaign, Democratic candidate Michael Dukakis pointedly avoided the scandal. His party, after all, had fashioned a compromise that allowed the Contra war to continue. Bush could rightly claim credit for a policy that forced the Sandinistas to negotiate; Dukakis's inept response to Bush's war-hero image was to don a silly cap and tool around in a tank. For Dukakis, the issue was "competence." Had Ollie and friends been any more competent, there would have been a lot more innocents dead in the vast abattoirs of Central America, the charnel house of Beirut and the swamps of Basra.

The Price of Crime

North was indicted on 16 felony counts; four were dismissed before trial. He was convicted by a jury in May 1989 on three charges of altering and destroying documents, accepting an illegal gratuity, and aiding and abetting the obstruction of Congress. He was sentenced to three years in prison, which were suspended; he was placed on two years' probation and ordered to perform 120 hours of community service. The conviction was reversed on appeal in July 1990 on the grounds that North's trial had been tainted by witnesses whose testimony was influenced by North's own immunized testimony before Congress.³⁵ North's military pension was restored; he went into business with his old CIA buddy Joe Fernández selling bullet-proof vests. Walsh was unable to convince the court that untainted testimony could be secured; the charges were dismissed in September 1991. North claims he was vindicated; he is campaigning for the Republican nomination for the U.S. Senate from Virginia.

Adm. John M. Poindexter, McFarlane's successor, was indicted on seven felonies; two were dismissed. He was convicted in April 1990 of the remaining five counts of conspiracy, false statements, destruction and removal of records, and obstruction of Congress. He was sentenced to six months in prison on each count, to be served concurrently, but released on bond pending appeal. His conviction was reversed in November 1991 on the same grounds as North's;³⁶ the Supreme Court declined to review the case.

Richard V. Secord, a retired Major General in the Air Force, testified under oath to Congress, without immunity. He was charged on six felony counts in the original indictment; after the main conspiracy counts were dismissed, a second indictment in April 1989 added nine felony counts of obstructing those same committees of Congress through false testimony. Five days before trial on the 12 felonies, he

33. Walsh, Vol. I, pp. xii, 565.

34. Specifically, CIPA was Congress' answer to the case of DCI Richard Helms, who pleaded no contest to a misdemeanor charge of withholding information from Congress about the CIA's role in overthrowing Chilean president Salvador Allende in 1973; the plea resulted from Helms' threats to reveal classified information necessary for his defense if he were prosecuted. See Thomas Powers, *The Man Who Kept the Secrets: Richard Helms and the CIA* (New York: Knopf, 1979).

35. Walsh describes his case against North in Vol. I, Ch. 2, pp. 105-22; the indictments and pleadings are found at Vol. II, pp. 195-242.

36. Vol. I, pp. 123-36; Vol. II, pp. 243-78; Poindexter's response to the Report at Vol. III, pp. 587-90.

— Adm. John M. Poindexter, Ret. • "impugns my character and calls me a liar" — Gen. Colin L. Powell, Ret. • "uncomplimentary"
— Rafael Quintero • "replete with inaccuracies...misrepresents Israel's role" — Yitzhak Rabin, Shimon Peres • "a slanted and completely

pleaded guilty in November 1989 to a single felony of making false statements to Congress when he denied that North personally benefited from the "Enterprise" — in the form of a \$200,000 "insurance" fund and a \$16,000 security system for North's house to protect him from "terrorists" in the Virginia suburbs. North claimed that Abu Nidal was after his family and then publicly challenged Nidal to "duke it out." Secord got two years' probation; he is still fighting to recover \$2 million stashed in Swiss accounts.³⁷

Albert Hakim, an Iranian expatriate and Secord's business partner, was originally charged with five felonies. He pleaded guilty to a misdemeanor count of supplementing North's salary through the infamous "Button" (belly button) account. One of Hakim's companies, Lake Resources, also pleaded guilty to a corporate felony — theft of government property — by diverting \$16.2 million from the arms-sales proceeds, of which Hakim had received more than \$2.5 million. His plea allowed him to keep another \$1.7 million but he had to waive claim to \$9 million more still languishing in Swiss accounts.³⁸

Thanks to the testimony of his pal Secord and his Swiss lawyer, Willard Zucker, Thomas G. Clines, retired CIA officer who provided logistics and contacts for the arms deals, was convicted of four felonies for failing to report all income from the deals on his taxes. He was sentenced to 16 months in prison and a \$40,000 fine.³⁹

Walsh Looks at Role of the CIA

Walsh turned his attention to the CIA. Former station chief in Costa Rica Joseph F. Fernández, alias Tomas Castillo, was originally indicted in June 1988 on five counts of conspiracy to defraud the U.S., obstructing the inquiry of the Tower Commission, and making false statements, mainly about his role in coordinating construction of an airstrip in Costa Rica for the North-Secord network's use; the case was dismissed and refiled as a four-count indictment in April 1989. That too was dismissed when Attorney General Richard Thornburgh refused to declassify information needed for his defense — much of which was already public as a result of the Costa Rican government's denunciation of the strip as a violation of its sovereignty.⁴⁰

Alan D. Fiers, Jr., chief of the CIA's Central America Task Force from October 1984 until his retirement in 1988, was the key to cracking the conspiracy of silence. In 1991, he pleaded guilty to two counts of withholding information from Congress, specifically that North told him about the diversion and he in turn told his superiors, and that he was familiar with North's role in coordinating the resupply operation.⁴¹

37. Vol. I, pp. 173-78; Vol. II, pp. 133-72; Vol. III, pp. 797-808.

38. Vol. I, pp. 179-80; Vol. II, pp. 189-94; Vol. III, pp. 323-62.

39. Vol. I, pp. 181-84.

40. Vol. I, pp. 283-93.

41. Vol. I, pp. 263-81.

Fiers's cooperation led to the indictment of his boss, Clair E. George, CIA's Deputy Director for Operations from July 1984 through December 1987, on ten felonies for perjury, false statements and obstruction of congressional and grand jury investigations in September 1991. The three obstruction counts were dismissed after the Poindexter decision; two were restored by a supplemental indictment in May 1992. In August, a mistrial was declared when the jury could not reach a verdict. Walsh dropped the two obstruction counts and narrowed the rest. At the second trial, George was acquitted on five counts, convicted on two: that he lied when he denied to the House committee any knowledge of Felix Rodríguez's role in the resupply scheme, and that he lied to the Senate when he denied knowing about North's and Secord's activities. Before he could be sentenced, Bush pardoned him.⁴²

Duane R. "Dewey" Clarridge, flamboyant former chief of the CIA's Central America Task Force, who was Fiers' predecessor, was indicted on seven counts of perjury and false statements about the shipment of HAWK missiles. He faced a maximum penalty of five years in prison and a \$250,000 fine on each count but was pardoned before trial by President Bush.⁴³

Walsh investigated other CIA officers, including the unidentified station chief in Honduras who facilitated weapons shipments for the Contras and Jim Adkins, the Contras' main CIA adviser from 1984 to 1987. Those who helped prepare Casey's false testimony before Congress in 1986 also escaped prosecution,⁴⁴ as did Donald Gregg, a career CIA officer who worked at NSC in the first two years of Reagan's term, then became Bush's national security adviser. Gregg had repeatedly denied to congressional investigators that anyone in Vice President Bush's office knew North was involved in illegal support of the Contras or that they themselves were directing the effort through Gregg's longtime friend, Felix Rodríguez. Gregg was questioned again when Bush nominated him in 1989 as Ambassador to South Korea. A key question was whether Rodríguez briefed Gregg and Bush's military aide, Sam Watson, about "resupply of the Contras" as indicated by Watson's agenda for May 1, 1986. Gregg and Watson insisted this meant "resupply of the choppers" to El Salvador, and the Senate confirmed him.

In May 1990, however, Gregg returned to the U.S. to testify against Richard Brenneke, a self-styled arms dealer and informant for the Customs Service who had been charged with making false statements to a Denver judge about the "October Surprise" — including a claim that Gregg had been present at meetings in Paris with Iranians in October 1980.

42. Vol. I, pp. 233-43.

43. Vol. I, pp. 247-62.

44. Cases are discussed in Vol. I, pp. 293-324, and in the Classified Appendix.

misleading rendition...permeated with improper statements and material...freely brands certain individuals as criminals even though they were never indicted...unwarranted and irresponsible...simply wrong" — Ronald Reagan • "hyperbole" — Donald T. Regan

Gregg testified that he had been playing on the beach in Delaware on the weekend in question, and produced snapshots of his wife and daughter supposedly taken at the time. But the jury chose instead to believe a local weatherman who said the weather was different that weekend from the sunny day depicted in Gregg's photos. Brenneke was acquitted.

In the summer of 1990, Walsh asked Gregg to submit to a polygraph — an offer Gregg had made to the FBI back in December 1986 when questioned about Iran-Contra.⁴⁵ An FBI examiner concluded that Gregg's responses indicated deception when he denied being involved in an October Surprise deal in 1980, when he denied knowing that Rodríguez was working with North and the Contras prior to August 1986, when he denied ever having told Bush about covert military aid to the Contras before October 1986, and when he denied lying to Congress.⁴⁶ Gregg was given a second test and flunked again. Nevertheless, Walsh decided the evidence was insufficient to charge Gregg or Watson.

Abrams Lies to Congress

At the State Department, Walsh focused on the testimony of Secretary of State George Shultz and his Assistant Secretary for Inter-American Affairs, Elliott Abrams.⁴⁷ Shultz had testified to Congress that he opposed the arms-for-hostages deal, warned that they might be impeachable offenses, and knew nothing of the diversion. In 1990 and 1991, however, Walsh's staff came across new evidence in the form of handwritten notes by Shultz's executive secretary, M. Charles Hill, and his successor, Nicholas Platt. Shultz even described Hill's notes as "a remorselessly precise record and a vivid picture" after using them to write his memoirs.⁴⁸ The problem was that Hill's notes were not consistent with Shultz's testimony. In an interview with Walsh in February 1992, Shultz denied the errors were deliberate.

The Hill and Platt notes provided snapshots of the extent of high-level complicity and unvarnished character sketches of the participants: Shultz after hearing Bush's denials that arms were sold to Iran, "Bush on TV saying it [is] ridiculous to even consider selling arms to Iran. VP was part of it...Getting drawn into web of lies. Blows his integrity. He's finished then. Shd. be v. careful how he plays the loyal lieutenant role now."⁴⁹ On Weinberger: "He's either stupid or dishonest, one or the other."⁵⁰ On Reagan's first National Security Adviser: "Bill Clark has no substance. An influence peddler."⁵¹ On North: "Ollie told Iranians that as part of Night Owl deal —

They should give up t'ism[terrorism] — install moderate govt — win war with IQ [Iraq] (!) — ha ha Ollie is laughable."⁵²

Walsh chose not to prosecute Shultz because he could not prove beyond a reasonable doubt his testimony to Congress was willfully false. That decision let Hill off the hook, despite Walsh's conclusion that he had deliberately withheld the notes when they were subpoenaed; the evidence against Platt was deemed "inconclusive."⁵³ Elliott Abrams was another story. North had testified that Abrams was aware of his "full service operation" to the Contras, but it was not until 1990 and 1991 that Hill and Platt's notes corroborated North's assertions and contradicted Abrams', as did notes produced by Edwin Corr, the Ambassador to El Salvador in 1985. Before seeking a multi-count felony indictment, Walsh invited Abrams to consider a guilty plea. On October 7, 1991, he pleaded guilty to two counts of withholding information from Congress about North's resupply operation and another for denying his participation in soliciting \$10 million from the Sultan of Brunei.⁵⁴

Walsh turned to the Defense Department, where the discovery of notes and diaries put the lies in the liars' own words. Such documents had been repeatedly requested throughout the years, but one of the Hill notes quoted Shultz: "Cap takes notes but never referred to them [to Congress] so never had to cough them up."⁵⁵ Weinberger was subpoenaed in August 1990, but insisted he had turned over all relevant material to Congress three years earlier. In November 1991, OIC investigators found thousands of pages of notes and diaries at the Library of Congress, which had not segregated them with classified materials when Weinberger left office. The notes showed that "Contrary to his sworn testimony, Weinberger knew in advance that U.S. arms were to be shipped to Iran through Israel in November 1985 without congressional notification...[and] he knew that Saudi Arabia was secretly providing \$25 million...to the Contras during the ban on U.S. aid."⁵⁶ Weinberger quickly produced instead a polygraph that concluded he had not intentionally concealed the notes, an affidavit from Gen. Colin Powell attesting to his honesty, and a letter from Senators Inouye and Rudman expressing their disbelief that Weinberger would ever have lied to them.⁵⁷ A grand jury indicted him on four counts of perjury and false statements. He was pardoned before trial by Bush, along with Clarridge, George, Fiers, Abrams and McFarlane.

45. Vol. I, p. 501.

46. *Ibid.*, p. 501. Walsh says, n. 146, that this was reported to the Justice Department in 1990 and the House "October Surprise" Task Force in 1992.

47. Vol. I, pp. 325-73.

48. George Shultz, *Turmoil and Triumph* (New York: Scribner's, 1993), p. xiii.

49. Hill Note, November 9, 1986, ANS 0001748, cited at Vol. I, p. 353, n. 223.

50. Hill Note, July 16, 1986, ANS 0000705, at *ibid.*

51. Hill Note, December 19, 1986, ANS 0002078, at *ibid.*

52. Hill Note, December 6, 1985, ANS 00001238, quoted at Vol. I, p. 435.

53. Vol. I, p. 372.

54. Vol. I, pp. 375-92. Abrams provided a number to a Swiss bank account; it proved to be the "wrong" account in that it didn't get to the Contras; instead, it was held by an intelligence operative named Bruce Rappaport, who contested Walsh's attempts to recover the \$10 million.

55. Hill Note, August 7, 1987, ALW 0056370, quoted at Vol. I, p. 412, n. 84.

56. Vol. I, p. 413.

57. Vol. III, pp. 1012-19, 1107 (Powell), 1010-11 (Inouye and Rudman) respectively.

• a litany of distortions, false official statements and outright lies...would make a good comic opera were they not so tragic for their victims...a sick joke...wild compendium of false statements" — Maj. Gen. Richard V. Secord, Ret. • baseless...an unwarranted attack on a

Bush Digs In

By then, Bush himself had become a target of the investigation. Walsh "found no credible evidence that the president authorized or was aware of the diversion of profits from the Iran arms sales to assist the Contras, or that [Chief of Staff Donald] Regan, Bush or Meese was aware of the diversion."⁵⁸ McFarlane, Poindexter and North all claimed Reagan had authorized their illegal activities on behalf of the Contras, but Walsh found, "The President's own activities...were not on the face of it...forbidden by criminal law."⁵⁹ Walsh found no evidence to prove Reagan committed perjury or intentionally lied in his many demonstrably false statements to the Tower Commission, to the public, or

Nicaragua was bludgeoned into submission, an object lesson for all who dare imagine something better than living and dying at Washington's whim.

in answers to written interrogatories by Walsh's office.⁶⁰ The remedy, Walsh decided, was impeachment, for which the time had long passed.

Regan and Meese also escaped prosecution, although Walsh found evidence in the notes and diaries that they had participated in the coverup, spearheaded by Meese, to protect Reagan and each other by presenting a false version of the Iran-Contra scheme to Congress and the Tower Commission. Walsh described Regan as forthright and truthful when his own notes were finally subpoenaed in 1992.⁶¹ Meese, on the other hand, was engaged in "damage control" rather than vigorous enforcement of the law as Attorney General.⁶²

Bush, however, was a sitting president when he came under renewed scrutiny in 1992, thanks to the notes and diaries of Hill, Platt and Weinberger. Negotiations became a delaying tactic, and Walsh was reluctant to confront Bush in an election year. Bush stonewalled repeated requests for his own diaries. After Bush's defeat, he revealed to Walsh the existence of a diary that had been withheld since 1986.⁶³ Walsh decided not to subpoena the diary because a criminal prosecution was unlikely: "[T]he statute of limitations had passed on most of the relevant acts and statements of Bush."⁶⁴

58. Vol. I, p. 443.

59. *Ibid.*, p. 452.

60. *Ibid.*, p. 472.

61. Vol. I, pp. 505-23.

62. Vol. I, pp. 525-53.

63. Dan Morgan and David S. Broder, "President to Disclose 'Everything'; White House Disputes Walsh's Charges of Cover-up," *Washington Post*, December 26, 1992, p. A1.

64. *Ibid.*, p. 474.

And the Democrats point to Iran-Contra, as to Watergate, and declare, "The system works."

Right.

The greater tragedy is that, by and large, the policy accomplished its goals. A devil's bargain between the Ayatollah's minions and the Great Satan left all sides bankrupt and bleeding, but the Soviet Union fell, and tiny Nicaragua was bludgeoned into submission, an object lesson for all who dare imagine something better than living and dying at Washington's whim. You can't argue with success. Walsh tried and the conclusions he reached about a slew of individuals are devastating:

They skirted the law, some of them broke the law, and almost all of them tried to cover up the president's willful activities. What protection do the people of the United States [less so the targets] have against such a concerted action by such powerful officers? The disrespect for Congress by a popular and powerful president and his appointees was obscured when Congress accepted the tendered concept of a runaway conspiracy of subordinate officers and avoided the unpleasant confrontation with a powerful president and his Cabinet. In haste to display and conclude its investigation of this unwelcome issue, Congress destroyed the most effective lines of [criminal] inquiry by giving immunity to Oliver L. North and John M. Poindexter so that they could exculpate and eliminate the need for testimony of President Reagan and Vice President Bush.... The Iran/Contra investigation will not end the kind of abuse of power that it addressed any more than the Watergate investigation did. The criminality in both affairs did not arise out of ordinary venality or greed, although some of those charged were driven by both.... When a president, even with good motive and intent, chooses to skirt the laws or to circumvent them, it is incumbent upon his subordinates to resist, not join in. Their oath and their fealty are to the Constitution and the rule of law, not to the man temporarily occupying the Oval Office. Congress has the duty and the power under our system of checks and balances to ensure that the President and his Cabinet officers are faithful to their oaths.⁶⁵

So, in the end, Walsh reaffirmed his faith in the system which has produced scandals and constitutional abuses with tedious regularity. When the next round comes, it is unlikely that Walsh's admonitions will do much to deter those who regard democracy as much more than an ideological soapbox on which to stand while they plot any secret scheme they deem necessary to get their way. •

65. Walsh, pp. 561-66.

faithful public servant" – George P. Shultz • "strains credulity" – Michael A. Sterlacci • "an abuse of investigatory discretion" – Paul B. Thompson • "disingenuous and malicious" – Samuel J. Watson III • "a gross miscarriage of justice" – Caspar W. Weinberger

(L.A.-8, continued from p. 22)

around the country. The investigator then shared the resulting information with both U.S. and foreign law enforcement officials, including those of South Africa. The criminal investigation ended with an agreement: The ADL would pay \$75,000 and criminal charges would not be filed. Civil lawsuits are still pending.

Among those known to have been surveilled by the ADL employee were Khader Hamide and Michel Shehadeh. When the first reports of the ADL's spying operation emerged in February 1993, the Los Angeles Eight defense team immediately asked Judge Einhorn to remove himself from the case. The standard for a recusal motion of this type does not require that a judge show actual bias or animosity; all that is needed is a situation which creates, to a reasonable person, the *appearance* of impropriety or partiality. Claiming that the unsubstantiated rumors in the media were insufficient as the basis for recusal, Judge Einhorn refused to step down.

By November, the once-unsubstantiated rumors regarding ADL's spying had become a full-blown national scandal. Information on the reckless disregard of evidence that tainted the Sixth Circuit's judgment in the Demjanjuk case had also emerged by that time. The defense renewed its recusal motion on November 26, 1993, providing lengthy documentation regarding the now irrefutable appearance of non-impartiality. It was by then clear that the ADL, the organization in which Judge Einhorn chairs the civil rights committee, had not only staked out positions on issues he would soon be called on to judge (such as whether the PFLP is a terrorist organization, whether Hamide and Shehadeh had any connections to it, etc.) but had played an active role, through its spymaster operative and its influence with U.S. law enforcement authorities, to ensure that the government's efforts to deport the Eight succeeded.

But again, Judge Einhorn refused to remove himself. In an extraordinary twist, he defended the ADL, asserting it had not been charged with any crime. He then counterattacked and accused the defense of claiming that "as a Jewish American" active in the "communal life of the Jewish American community" he was unfit to conduct the trial. Einhorn thus simultaneously transformed the ADL into the entire U.S. Jewish community and denied the impropriety of any of its actions. Essentially, he charged the defense with anti-Semitism.

Defense attorney Leonard Weinglass, in an eloquent rebuttal, reminded the judge that the defense had known from the beginning of the case that the judge was Jewish and involved with the ADL. "We were not interested," he told the judge, "until we learned what the ADL has done to help the government deport our clients." He went on to remind Ein-

horn that virtually the entire defense team is Jewish, and that the allegation of anti-Semitism was unjustified and insulting. Weinglass finished his statement with a renewed motion for Judge Einhorn's recusal — this time on the basis of *actual*, not apparent bias, based on the antagonism shown in Einhorn's response to the defense's motion. To no one's surprise, the judge turned it down.

On the legal side, much of the initiative has shifted away from the Justice Department whose prosecutors have been unable to build a convincing case. New orders to government agencies to produce significant new information, some of it currently classified, coming from both immigration Judge Einhorn and federal court Judge Wilson, are pressuring the government. The issue now seems to lie with the political realm. The CIA, the FBI, the DIA, and a dozen embassies around the world have been drawn in. They have begun to

complain to the Justice Department that the continuation of this absurdity is costing them dearly in person hours and privacy. The question is whether at some point Attorney General Janet Reno will take what would probably be her first look at the Los Angeles Eight case. If she does, even the Justice Department may decide that

the price of continuing the case — with the threat of exposing policies and practices they would all prefer to conceal from courts and taxpayers alike — is simply too high.

If the Eight are found deportable, the implications are far reaching and chilling. The message will go out across the U.S. that non-citizens, despite federal court rulings to the contrary, do *not* have First Amendment rights. A deportation order would legalize the government position that continuing to deport people for raising money for a few PLO-supported clinics, when the U.S. is about to send Yasir Arafat a half billion dollars of tax money and military equipment to boot, is perfectly acceptable policy. More broadly, the message is that all non-citizens, legal or not, are vulnerable to the threat of deportation for supporting movements for freedom and liberation in their home countries.

Even if the case is dropped, the political atmosphere will have been chilled and the defendants robbed of years spent in legal limbo. Although they were released from prison when prosecutors refused to tell the judge the alleged basis for denying bail, their lives have been disrupted and their freedom to travel and live normally curtailed. Somehow, despite the disruptions of the legal battle, most of the Eight have married and are raising a new generation of Palestinian-American and Kenyan-Palestinian-American babies. Ironically, these children will enjoy rights as citizens their parents were denied by accident of birth and intention of political commitment. •

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Off the Shelf: CAQ's Books of Interest

CAQ offers capsule reviews of books we think could be of interest to our readers. We will cover not only publications in the areas of intelligence, U.S. foreign policy, and covert activities of all sorts, but also works addressing important international events and issues from a variety of approaches/perspectives — from the academic and journalistic, to the polemic and poetic. Happy reading.

Three on Argentina: **Martin Andersen, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the 'Dirty War'*** (Westview Press, 1992, 412 pp., photos, endnotes, bibliography, index, \$17.95 pb.); **Frank Graziano, *Divine Violence: Spectacle, Psychosexuality, and Radical Christianity in the Argentine 'Dirty War'*** (Westview Press, 1992, 328 pp., endnotes, index, \$19.95 pb.); and **Sandra McGee Deutsch and Ronald H. Dolkart, eds., *The Argentine Right: Its History and Intellectual Origins, 1910 to the Present*** (Scholarly Resources, 1993, 205 pp., endnotes, glossary, index, \$15.95 pb.) Argentina's descent in the 1970s into political violence and military dictatorship more brutal than anything in the country's history continues to draw horrified attention. The three recent books listed here take different but complementary approaches toward the Argentine military's bloody crusade to save Western civilization.

In *Dossier Secreto*, the most accessible and comprehensive of the three, former *Newsweek* and *Washington Post* reporter Andersen convincingly undermines the foundations of the Argentine junta's avowed reason for unleashing the terrible repression of 1976-1983: to stave off an armed revolutionary threat. Andersen shows that Marxist and Peronist guerrillas were effectively wiped out by 1977, and the "dirty war" that followed was directed at purely civilian political opposition to the junta. Andersen also explores the links between the Argentine military and the Italian P-2 secret lodge, as well as CIA links with the junta during the Reagan years. In all, a very good introduction to the "dirty war."

Using the testimony of victims and torturers, military records, trial transcripts, and a wealth of secondary sources, American University professor Graziano's *Divine Violence* explores the messianic mythology and

twisted sexuality that shaped the repression. With a culturally grounded academic approach not usually applied to such events, Graziano approaches the "dirty war" from a unique and provocative direction. His work, however, grounded in the language of cultural and psychological criticism, will be difficult for those not well-versed in such traditions.

The Argentine Right is a series of academic essays organized by historical period. Although rather dry and dense, the essays, with varying degrees of success, clarify the role and origins of Argentina's powerful and sometimes murderous rightist currents. The volume is especially useful in describing and disentangling the three main currents of Argentine rightism: the nationalist right, the liberal right, and the Peronist right. Compared to Martin Andersen's narrative, however, this volume seems oddly deracinated.

Ana Carrigan, *The Palace of Justice: A Colombian Tragedy* (Four Walls Eight Windows Press, 1993, 303 pp., photos, endnotes, \$22.95 hb.) The 1985 seizure of the Colombian Palace of Justice by M-19 guerrillas resulted in over 100 deaths by the time the Colombian army retook the largely destroyed building. The incident also provided the Reagan administration with the opportunity to unveil a new weapon in its propaganda arsenal: "narco-terrorism." Carrigan, relying on interviews with survivors and participants, government and guerrilla documents, and official reports, puts the lie to the official story of the Palace of Justice and Reaganite narcotics hypocrisy, as well as raising extremely embarrassing questions for the Colombian military.

David J. Brown and Robert Merrill, *Violent Persuasions: The Politics and Imagery of Terrorism* (Bay Press, 1993, 298 pp., photos, endnotes, \$18.95 pb.) This book resulted from a multidisciplinary conference on terrorism at the Maryland Institute, College of Art in 1992, and it shows it. Departing from the dull linearity of pure text, the work intersperses artistic interpretations of terrorism, some of them quite powerful, with speeches, symposia, and audience response in a multifaceted approach to "terrorism." Participants included several names that should be familiar to CAQ readers, including Bill Schaap, Ward Churchill, Michael Parenti, Margaret Randall, and Randall Robinson. A provocative work on a very ugly subject.

CovertAction will offer this feature on a regular basis and welcomes readers' suggestions. This quarter's selections were reviewed by Phillip Smith.

Branka Magacs, *The Destruction of Yugoslavia: Tracing the Break-Up, 1980-1992* (Verso, 1992, 366 pp., index). A collection of essays and articles by Croatian socialist exile Branka Magacs. Magacs' writings lay out the fault lines, both ideological and ethnic, that grew from the political and economic failures of post-Tito Yugoslavia. A historian and journalist, Magacs brings keen insight into the malignant politics and savage conflict that today grip the former Yugoslavia.

Zlatko Dizdarevic, *Sarajevo: A War Journal* (Fromm, 1993, 193 pp., \$19.95 pb.) As editor of *Oslobodenje*, the sole remaining Sarajevo newspaper, Dizdarevic's daily reports from the siege speak eloquently for the people of Sarajevo and the multi-ethnic, multicultural project under ferocious attack in Bosnia. Dizdarevic is clearly not a neutral party; these columns were written while under sustained attack, and they show it. Sadly but not surprisingly, the book also demonstrates that cultural and ethnic divisions continue to grow.

Christopher Simpson, *The Splendid Blond Beast: Money, Law, and Genocide in the Twentieth Century* (Grove Press, 1993, 399 pp., photos, endnotes, index, bibliography, \$24.95 hb) Simpson, the author of the widely acclaimed *Blowback: America's Recruitment of Nazis and Its Effects on the Cold War*, now turns his attention to Western financial and political elite responses to two episodes of genocide, the Turkish assault on the Armenian nation and the Nazi Holocaust. Relying primarily on archival information, Simpson draws a chilling portrait of international complicity and collaboration with mass murder. He also shows how the lack of a Western response to Turkish atrocities in Armenia paved the way for Hitler's "final solution." Some familiar faces are involved, most notably the brothers Allen and John Foster Dulles.

Guillermo Gómez-Peña, *Warrior for Gringostroika* (Graywolf Press, 1993, 174 pp., photos, \$14.00 pb.); and **Ruben Martínez**, *The Other Side: Notes From the New L.A., Mexico City, and Beyond* (Vintage, 1993, 170 pp., photos, \$10.00 pb.).

"It is 1987, occentlapal, & the sky is clotted with blood the migras keep thinking they're able to stop the historical currents of a continent gone bananas may Tata God, el que embotella, bless their unbridled stupidity."

Thus does Mexican-born, border-dwelling, cosmopolitan performance artist and writer Gómez-Peña, self-described as "El Aztec High-Tech," frame the issue. The

roiling currents of intellectual, artistic, economic, and demographic change sweep across political and cultural borders, creating here in Gringolandia a bubbling cross-cultural ferment, of which Gómez-Peña and Martínez, the child of Salvadoran and Mexican parents resident in L.A., are important, cutting-edge voices.

Both writers — Martínez in his evocative essays and Gómez-Peña in his sophisticated culture criticism, poetry, and the texts of his outrageous performance pieces — address the new realities of a United States in which the heart of Latin America beats. In so doing, they illuminate the birth of a "border" generation that transcends divisions of language, culture, and nationality to form an as yet undefined Latino-ized American synthesis. With "Hispanics" poised to become the largest ethnic group in the U.S, the future that Gómez-Peña and Martínez represent is already here.

Michael F. Brown and Eduardo Fernández, *War of Shadows: The Struggle for Utopia in the Peruvian Amazon* (University of California Press, 1991, photos, endnotes, bibliography, index, 280 pp., pb.). The indigenous Ashaninka people of Peru's jungle and eastern highlands are currently caught between the Maoist Shining Path guerrillas and the Peruvian military as the two foes wage a "hearts and minds" struggle for their support. It has happened before, and this work looks at the history of Ashaninka relations with "outsiders," in particular their role in the 1965 leftist Tupac Amaru guerrilla campaign. With its anthropological emphasis on how spiritual beliefs, and especially their millenarian component, affect indigenous peoples' willingness to be drawn into violent conflicts with the authorities, this study has relevance beyond its narrowly defined scope.

Michel S. Laguerre, *The Military and Society in Haiti* (University of Tennessee Press, 1993, 223 pp., endnotes, bibliography, index, tables, \$29.95 hb.) In what appears to be a reworked dissertation, Laguerre provides a structural analysis of the relationships among the military, the state, and civil society in Haiti. Thanks to the cooperation of elements of the Haitian military, Laguerre has been able to get at heretofore unavailable materials in military archives, as well as enjoying extensive interviews with numerous ranking members of the Haitian military, including de facto leader, Gen. Raoul Cedras. Despite the fact that his analysis ends before the latest coup, Laguerre's analysis of the interrelationships among military, state, and society are valuable for understanding the context in which the current crisis in Haiti exists. •

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